



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 2, 2019

[REDACTED]
Graham Correctional Center
P.O. Box 499
Hillsboro, Illinois 62049

Re: FOIA Request for Review – 2019 PAC 58683

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5 of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5 (West 2016)). The Request for Review concerns a FOIA request that was submitted to the Madison County State's Attorney's Office (State's Attorney's Office).

A Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016).

Based on the information you provided, the State's Attorney's Office denied your request on April 15, 2019, by failing to provide a response to your FOIA request. Under section 9.5(a) of FOIA, a Request for Review must be made in writing and signed by the requester, and include a copy of the original request and response by the public body. Your Request for Review did not include a copy of the original FOIA request you submitted to the State's Attorney's Office. As you submitted your incomplete Request for Review to this office on June 24, 2019, and more than 60 days have lapsed after the denial of your FOIA request, section 9.5(a) precludes this office from reviewing that denial.

[REDACTED]
July 2, 2019
Page 2

If you have any questions, please contact me at the address listed on the first page.
This letter serves to close this matter.

Very truly yours,

[REDACTED]
CHRISTOPHER R. BOGGS
Supervising Attorney
Public Access Bureau

58683 f 60 days sao



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 2, 2019

Via electronic mail




Re: FOIA Request for Review – 2019 PAC 58742

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5 of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5 (West 2016)). The Request for Review concerns a FOIA request that was submitted for information regarding your daughter.

A Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016).

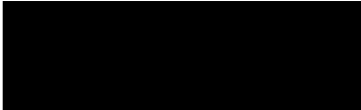
Based on the information you provided, a response to your FOIA request was received on April 30, 2019. Under section 9.5(a) of FOIA, a Request for Review must be made in writing and signed by the requester, and include a copy of the original request and response by the public body. Your Request for Review did not include a copy of the original FOIA request, or a copy of the response you received. As you submitted your incomplete Request for Review to this office on June 28, 2019, and more than 60 days have lapsed after the denial of your FOIA request, section 9.5(a) precludes this office from reviewing that denial.


July 2, 2019

Page 2

If you have any questions, please contact me at the address listed on the first page.
This letter serves to close this matter.

Very truly yours,


CHRISTOPHER R. BOGGS
Supervising Attorney
Public Access Bureau

58742 f 60 days pd



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 5, 2019

Via electronic mail



RE: FOIA Request for Review – 2019 PAC 58773

Dear 

The Public Access Bureau has received your Request for Review pursuant to section 9.5 of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5 (West 2016)). The Request for Review concerns a FOIA request that you submitted to the Chicago Police Department (CPD) on April 8, 2019. CPD denied your request on April 26, 2019, citing section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a) (West 2017 Supp.), as amended by Public Act 100-732, effective August 3, 2018).

A Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016).

Based on the information you provided, CPD denied your FOIA request on April 26, 2019. Because you submitted your Request for Review to this office on June 29, 2019, which is more than 60 days after the date that CPD denied the FOIA request, section 9.5(a) of FOIA precludes this office from reviewing that denial.

[REDACTED]
July 5, 2019

Page 2

If you have any questions, please contact me at (217) 782-9054, mhartman@atg.state.il.us, or the Springfield address on the first page of this letter. This letter serves to close this matter.

Very truly yours,

[REDACTED]
MATT HARTMAN
Assistant Attorney General
Public Access Bureau

58773 f 60 days pd



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 8, 2019

Via electronic mail



Re: FOIA Request for Review – 2019 PAC 58680; CPS No. N006629-040119

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2016)). This Request for Review concerns a FOIA request that you submitted to the Chicago Public Schools (CPS).

A person whose FOIA request has been denied may submit a Request for Review to the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016).

Based on the information you provided, CPS denied your FOIA request on April 17, 2019. You mailed your Request for Review to this office on June 18, 2019, which is 62 days after the date of CPS's response. Because you submitted your Request for Review more than 60 days after CPS denied your FOIA request, section 9.5(a) precludes this office from reviewing this matter. Therefore, this file is closed.

If you have any questions, please contact me at the Chicago address below.

Very truly yours,



SHANNON BARNBY
Assistant Attorney General
Public Access Bureau

58680 f 60 days sd



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 12, 2019

[REDACTED]
Hill Correctional Center
P.O. Box 1700
Galesburg, Illinois 61402

Re: FOIA Request for Review – 2019 PAC 58367

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2016)). This Request for Review concerns a FOIA request that you submitted to the Chicago Police Department (CPD).

A person whose FOIA request has been denied may submit a Request for Review to the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016). Based on the information you provided, you submitted your FOIA request on February 12, 2019. You mailed your Request for Review alleging that CPD did not respond to your request to this office on May 30, 2019. Because you submitted your Request for Review more than 60 days after CPD denied your FOIA request, section 9.5(a) precludes this office from reviewing this matter. Therefore, this file is closed.

If you have any questions, please contact me at the Chicago address below.

Very truly yours,

[REDACTED]
TERESA LIM
Assistant Attorney General
Public Access Bureau

58367 f 60 days pd



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 12, 2019

[REDACTED]
Robinson Correctional Center
13423 East 1150th Avenue
Robinson, Illinois 62454

Re: FOIA Request for Review – 2019 PAC 58792

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2016)). This Request for Review concerns two FOIA requests that you submitted to the Winnebago County Sheriff's Office (Sheriff's Office).

A Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of a FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016). Based on the information you provided, you submitted your FOIA requests on November 10, 2018. You mailed your Request for Review alleging that the Sheriff's Office did not respond to your FOIA requests to this office on June 28, 2019. Because you submitted your Request for Review more than 60 days after the Sheriff's Office denied your FOIA requests, section 9.5(a) precludes this office from reviewing these matters. Therefore, this file is closed.

If you have any questions, please contact me at the Chicago address below.

Very truly yours,

[REDACTED]
TERESA LIM
Assistant Attorney General
Public Access Bureau

58792 f 60 days co



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 16, 2019

Via electronic mail

Ms. Natalie A. Harris
Mandell Menkes LLC
One North Franklin Street, Suite 3600
Chicago, Illinois 60606
nharris@mandellmenkes.com

RE: FOIA Requests for Review – 2019 PAC 58695

Dear Ms. Harris:

On June 24, 2019, you attempted to submit a Request for Review to the Public Access Bureau under section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2016)), alleging that the City of Chicago Department of Law (Department) failed to provide a complete response to your client's April 11, 2019, and April 22, 2019, FOIA requests. As this office advised you, your submission was incomplete in that you did not submit copies of the FOIA requests that your client submitted to the Department. You furnished copies of the content of the FOIA requests to this office on July 2, 2019, and on July 8, 2019, forwarded copies of the requests themselves.

Section 9.5(a) of FOIA requires a Request for Review be filed with the Public Access Counselor "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body, and must contain "a copy of the request for access to records." Based on the information you provided, the Department responded to your client's requests on April 24, 2019. Therefore, any Request for Review must have been filed with this office by June 24, 2019, which was the first business day following the sixtieth day after April 24, 2019. 5 ILCS 70/1.11 (West 2016). Your submission, received by this office at 4:31 p.m. on June 24, 2019, did not include copies of your client's FOIA requests. Because you did not submit those FOIA requests until after the statutory period for filing a Request for Review expired, section 9.5(a) precludes us from reviewing the adequacy of the Department's responses to the requests. For that reason, this file has been closed.

Ms. Natalie A. Harris
July 16, 2019
Page 2

Enclosed are copies of the materials that you submitted to this office. We note that the 60-day deadline for taking action on an alleged violation of FOIA applies only to an individual filing a Request for Review with the Public Access Counselor. A person whose FOIA request has been denied by a public body alternatively "may file suit for injunctive or declaratory relief" against that public body. 5 ILCS 140/11(a) (West 2016).

Very truly yours,



LEAH BARTELT
Assistant Attorney General
Public Access Bureau

58695 f 60 days

SB695

initial

Sanchez, Lidia

From: Sara Brocious <sbrocious@mandellmenkes.com>
Sent: Monday, June 24, 2019 4:31 PM
To: Public Access
Cc: Natalie Harris; Brendan Healey; 'Jeannie Gallucci'; 'lawfoia@cityofchicago.org'
Subject: Request for Review - Bottled Blonde
Attachments: 2019-06-24 Request for Review - Bottled Blonde.pdf

Dear Ms. Pratt,

Please see the attached Request for Review being sent on behalf of Ms. Natalie Harris.

Sincerely,

Sara Brocious | Legal Assistant

Mandell Menkes LLC
knowledge | experience | results

One North Franklin, Suite 3600
Chicago, Illinois 60606
Office 312.759.2769
Fax 312.251.1010
sbrocious@mandellmenkes.com

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Mandell Menkes LLC

One North Franklin St., Suite 3600 Chicago, IL 60606
Office 312.251.1000 | mandellmenkes.com

Natalie A. Harris

E-mail: nharris@mandellmenkes.com
Writer's Direct Dial: 312.251.1011

June 24, 2019

VIA ELECTRONIC MAIL

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 S. 2nd St.
Springfield, IL 62701
publicaccess@atg.state.il.us

RE: Request for Review

Dear Ms. Pratt:

We represent the requester, Ms. Jeannie Gallucci, Tanzillo Gallucci, LLC ("Gallucci"), and this is a request for review of the April 24, 2019 response by the City of Chicago Department of Law ("Law Dept.") to Gallucci's April 11, 2019 and April 22, 2019 FOIA requests ("Requests"). A copy of the response is enclosed. In this request for review there is no dispute regarding the openness of records—both sides agree that the underlying records are public records that should be disclosed subject to certain exemptions for redacted material. The only dispute relates to the (1) adequacy of the Law Dept.'s search for the requested records and (2) the completeness of the records disclosed.

Gallucci's Requests seek public records relating to the hospitality establishment Bottled Blonde located at 504 N. Wells as well as records relating to individuals known to be neighborhood residents assisting the City of Chicago with gathering evidence of alleged code violations against Bottled Blonde ("Cooperating Residents") or City of Chicago employees involved with a Notice of Violation proceedings pending in the Department of Administrative Hearings brought by the City of Chicago against Bottled Blonde Chicago, LLC for a series of five alleged noise violations (Docket No. 18 CP 00388A) (the "Administrative Proceeding").

On April 24, 2019, the Law Dept. responded to the Requests by asserting various exemptions and producing some heavily redacted records. The redacted records include several e-mails between and among the Disgruntled Residents and Law Dept. attorney Judith A. Gorske who represents the City of Chicago in the Administrative Proceeding. Notably, the Administrative Proceedings involve five alleged noise violations, one on each of the following dates/times:

1. September 16, 2018
2. October 27, 2018
3. October 28, 2018 7:45 p.m.
4. October 28, 2018 8:30 p.m.

5. November 18, 2018

However, the disclosed e-mails between Ms. Gorske and the Cooperating Residents include communications regarding the September 16, 2018 alleged noise violations but there are *no emails* relating to the remaining four alleged noise violations. This suggests that the Law Dept. has not conducted an adequate search for responsive records. "The adequacy of an agency's search for requested documents is judged by a standard of reasonableness, i.e., 'the agency must show beyond material doubt . . . that it has conducted a search reasonably calculated to uncover all relevant documents.'" *Miller v. United States Department of State*, 779 F.2d 1378, 1383 (8th Cir. 1985). Evidence that additional undisclosed responsive records exist suggest that an agency's search was not adequate. See, *Oglesby v. United States Department of the Army* 79 F.3d 1172, 1185 (1996); *Founding Church of Scientology, Inc. v. National Security Agency* 610 F.2d 824, 834 (1979).

On or around April 24, 2019, Galluci called Law Dept. FOIA officer Thomas Skelton to follow up regarding the FOIA requests and he represented that the Law Dept.'s search for responsive emails was limited to asking City Attorney Judith Gorske to conduct a search of her own emails. See also, 5/23/19 Administrative Hearing Report of Proceedings, attached as Exhibit 1 at 55:17-22. It appears that none of the other individuals copied on many of the disclosed emails (Thomas Dombai, David Smith, Barbara Gressel, Thomas Doran, Natalia Delgado, Mariana Kiselev, Sherri Cianciarulo) have conducted a search for responsive records.

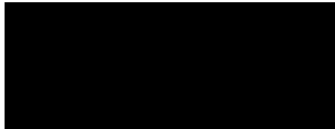
In addition, during the Administrative Hearing proceedings, [REDACTED] a Cooperating Resident and a witness for the City, testified regarding his having sent the City Attorney an e-mail subsequent to his August 18, 2018 correspondence (Ex. 2) in which he provided additional specific details regarding other alleged noise violations committed by Bottled Blonde. Ex. 1, 53:20-55:4. A subsequent e-mail also confirms that the City Attorney did receive a later email from [REDACTED] providing details about a noise incident. (Ex. 3). The Law Dept. has not produced any subsequent e-mail correspondence that meets [REDACTED] description of the response he sent. The Law Dept. is required to conduct an adequate search of e-mails in its possession and control and provide Gallucci with *all* responsive non-exempt records.

The purpose of FOIA "is to open governmental records to the light of public scrutiny." *Bowie v. Evanston Cmty. Consolidated Sch. Dist. No. 65*, 128 Ill. 2d 373, 378 (1989). Accordingly, under FOIA, "public records are presumed to be open and accessible." *Lieber v. Bd. of Trustees of Southern Illinois Univ.*, 176 Ill. 2d 401, 407 (1997). As the General Assembly states in section 1 of FOIA: "it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act." 5 ILCS 140/1. In seeking to erect roadblocks to the timely disclosure of public records, the BACP is obstructing the stated intent of the law.

Ms. Sarah Pratt
June 24, 2019
Page 3

Based on the foregoing, we respectfully request on behalf of Gallucci that you issue a binding opinion requiring the Law Dept. to provide Gallucci with copies of all records set forth in the subject requests:

Sincerely,



Natalie A. Harris

cc: Tom Skelton
Jeannie Gallucci



City of Chicago
Rahm Emanuel, Mayor

Department of Law
Edward N. Siskel
Corporation Counsel

121 North LaSalle Street
Suite 600
Chicago, Illinois 60602-
2580
(312) 744-6900
(312) 742-0277 (FAX)
(312) 744-2693 (TTY)
www.cityofchicago.org

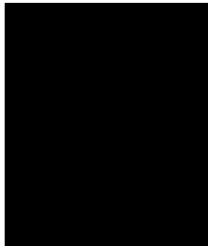
April 24, 2019

Jeannie Gallucci
Tanzillo Gallucci, LLC
Via email at Jeannie@tglawgroup.net

Dear Ms. Gallucci,

On behalf of the City of Chicago Department of Law, I am responding to your three Freedom of Information Act ("FOIA") requests two dated April 11, 2019 and one dated April 22, 2019. The Law Department took a 5 day extension on April 18, 2019. You requested:

Requesting a copy of all recordings, logs, reports, records, complaints, or any other documents related to calls, inquiries or reports received between September 1, 2018 and November 30, 2018 involving the following individuals:



Miguel Campos

You also requested:

Requesting a copy of all recordings, logs, reports, records, complaints, or any other documents related to calls, inquiries or reports received between September 1, 2018 and November 30, 2018 regarding the following locations:

1. *Bottled Blonde*
2. *504 N. Wells*

You also requested:

Requesting a copy of all recordings, logs, reports, records, complaints, or any other documents related to:

1. *Any noise complaint occurring on September 16, 2018 at or near [REDACTED] or 504 N. Wells Street.*
2. *Any noise complaint occurring on October 27, 2018 at or near 531 N. Wells Street or 504 N. Wells Street.*
3. *Any noise complaint occurring on October 28, 2018 at or near 504 N. Wells Street.*
4. *Any noise complaint occurring on November 18, 2018 at or near [REDACTED] or 504 N. Wells Street.*

Please find the attached documents responsive to your requests.

Please note that each City department is a separate "public body" under Section 2 of FOIA. 5 ILCS 140/2(a); Duncan Publishing, Inc. v. City of Chicago, 304 Ill.

App. 3d 778, 784 (1st Dist. 1999) ("Clearly, each of the individual departments are subsidiary bodies of the City and are 'public bodies' as defined by the FOIA."). A FOIA request must be directed to the Department that maintains the records you seek.

We have redacted certain material pursuant to Section 7(1)(b) of FOIA. That section exempts "private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." 5 ILCS 140/7(1)(b). Section 2(c-5) defines "private information" as:

unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

5 ILCS 140/2(c-5). The material we have redacted under this section is personal email addresses and phone numbers. Because these items are specifically exempted under Section 7(1)(b), they have been properly redacted.

We have redacted certain material pursuant to Section 7(1)(m) of FOIA. That section exempts:

Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

5 ILCS 140/7(1)(m). Because the redacted records constituted privileged communications between an attorney and clients, they have been properly redacted under this section.

We have also redacted certain material under Section 7(1)(m) and the work product doctrine. "The work product doctrine applies to documents prepared by either client or attorney in anticipation of litigation or trial." Dalen v. Ozite Corp., 230 Ill. App. 3d, 18, 27 (2d Dist. 1992); see also Mattenson v. Baxter Healthcare Corp., 438 F.3d 763, 767-68 (7th Cir. 2006). Under this doctrine, such material "is subject to discovery only if it does not contain or disclose the theories, mental impressions, or litigation plans of the party's attorney." Center Partners, Ltd. v. Growth Head GP, LLC, 2012 IL 113107, ¶ 29 (quoting Ill. S. Ct. R. 201(b)(2)). Because the redacted material reveals the mental impressions and litigation plans of City attorneys, we have properly redacted this material under Section 7(1)(m) and the work product doctrine.

You have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,

Tom Skelton
FOIA Officer – Department of Law

EX. 1

Bottled Blonde Chicago vs City of Chicago

18 CP 00388A

Report of Proceeding

Taken on: May 13, 2019



LEXITAS™
180 North LaSalle Street, Suite 2800
Chicago, IL 60601
312.236.6936
877.653.6736
www.lexitaslegal.com

LICENSE APPEAL COMMISSION

HEARING

BOTTLED BLONDE CHICAGO, LLC)

) No. 18 CP 00388A

) Licensee/Revocation & Suspension)
) for the premises located at)
) 504 North Wells Street)

Report of Proceedings had at the hearing in
the above-entitled cause at 400 West Superior Street,
Room 107, Chicago, Illinois, commencing at 1:00 p.m. on
the 13th day of May, 2019.

HEARING OFFICER:

MR. MITCHELL C. EX

APPEARANCES:

ZICCARDI LAW, by
MR. JOSEPH ZICCARDI

TANZILLO GALLUCCI, LLC, by
MS. JEANNIE GALLUCCI
On behalf of the Licensee;

CITY OF CHICAGO, by
MS. JUDITH GORSKE
On behalf of the City of Chicago.

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1 HEARING OFFICER EX: This is Docket No. 18 CP
2 00388A, Bottled Blonde Chicago, LLC. The matter is set
3 down today at 1:00 for a hearing on Counts 1 through 5.
4 Would the counsels identify themselves,
5 please.
6 MS. GORSKE: Judy Gorske on behalf of the City,
7 G O R S K E.
8 HEARING OFFICER EX: Okay.
9 MR. ZICCARDI: Good afternoon, Joseph Ziccardi,
10 Z I C C A R D I, for Bottled Blonde.
11 MS. GALLUCCI: Good afternoon, Jeannie Gallucci for
12 Bottled Blonde. We are here in a room where we were not
13 able to secure a table and not able to secure a place
14 for counsel to set up. So I'm going to ask if I could
15 have a few minutes to try to set up here on these
16 benches --
17 HEARING OFFICER EX: Take your time.
18 MS. GALLUCCI: -- and get something that's workable
19 before we start. I do appreciate that you were trying
20 to get the room --
21 HEARING OFFICER EX: I couldn't do it, but --
22 MS. GALLUCCI: Yeah.
23 HEARING OFFICER EX: -- there was only, I think,
24 three rooms with tables.

Page 5

1 MS. GALLUCCI: I would just ask that for any
2 subsequent court hearings that we can use one of those
3 rooms instead because I don't know how to try a case
4 standing on my feet for five hours and not able to write
5 anything down.
6 HEARING OFFICER EX: I understand. And that's why I
7 tried to get a room with a table.
8 MS. GALLUCCI: I appreciate your efforts, but just
9 so that the record is clear what the situation is, we
10 are standing here with no chairs and just a small podium
11 and no place to put any of our papers. I just want to
12 get organized.
13 HEARING OFFICER EX: Well, if at any point either
14 of you want to sit down, or the City attorney, that's
15 fine, if you can write sitting down or however you want
16 to do it is fine with me.
17 MS. GALLUCCI: Okay.
18 HEARING OFFICER EX: The only thing that I'm
19 concerned about is make sure that anybody who is talking
20 is near a microphone. So if you're going to talk...
21 MS. GALLUCCI: Okay.
22 HEARING OFFICER EX: Let me know when you're ready.
23 MS. GALLUCCI: Okay. Great. Thank you.
24 HEARING OFFICER EX: While we're waiting -- go

Page 6

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1 ahead.

2 MS. GORSKE: I have a housekeeping matter. If you
3 would prefer me to wait until we --

4 MS. GALLUCCI: I would prefer so I can take notes
5 and have myself organized. I'm just now opening my bag.
6 (Brief pause.)

7 HEARING OFFICER EX: Ready?

8 MS. GALLUCCI: Yes, thank you.

9 HEARING OFFICER EX: Sorry for your inconvenience.

10 MS. GALLUCCI: I appreciate that you tried to avoid
11 it. Thank you.

12 HEARING OFFICER EX: I know you want to have a
13 table. Unfortunately, that's not available in every
14 room.

15 The City has some housekeeping.

16 MS. GORSKE: We have a technical amendment to the
17 complaint to put in subsection (a).

18 HEARING OFFICER EX: Which count?

19 MS. GORSKE: 832080 is the charge on each of the
20 counts. And we're adding subsection (a).

21 MS. GALLUCCI: May I see a copy of what you're
22 adding while we are having this conversation?

23 HEARING OFFICER EX: Did you get a copy?

24 MS. GALLUCCI: No.

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1 HEARING OFFICER EX: Do you have a copy for them?

2 MS. GORSKE: Yes, I do.

3 HEARING OFFICER EX: Does the City have any
4 objection -- the Respondent have any objection to the
5 City's motion to amend the violation?

6 MS. GALLUCCI: I'm still trying to figure out what
7 it is. I have just been handed something.

8 HEARING OFFICER EX: They're just adding the letter
9 (a) --

10 MS. GORSKE: And I'm tendering to the Court the
11 same document that I have tendered to opposing counsel.

12 HEARING OFFICER EX: So you're asking to amend from
13 832080 to 832080(a)?

14 MS. GORSKE: Yes.

15 HEARING OFFICER EX: Correct?

16 MS. GALLUCCI: So they're limiting -- this is an
17 attempt to limit it to just (a)?

18 MS. GORSKE: Currently in AHMS when this charge was
19 brought, they actually put the subsection (a) in there.
20 And under the rules that govern these administrative
21 proceedings, technical amendments are allowed pursuant
22 to 9.2. And in this case the narrative clearly shows
23 that subsection (a) is the applicable section. (b) and
24 (c) are arguably not even, you know, offenses, but the

1 bottom line is subsection (a) is the language that we
2 are relying on.

3 MS. GALLUCCI: Yes, we have an objection. They're
4 trying to limit this to subsection (a) for the purposes
5 of circumventing the plain meaning of the ordinance,
6 which is written very clearly in subsection (b) and (c),
7 which the ordinance was drafted to provide the
8 respondent an opportunity to cure any defects.

9 The City has denied us that opportunity to
10 cure the defects by not informing us of them unless they
11 had a slew of them all lumped together over a period of
12 months. Now, on the day that we are set to try the
13 case, they are trying to change their charging document
14 so that the remaining portions of the ordinance, which
15 are designed to offer some protections to the
16 respondent, would be theoretically outside of the
17 Court's purview. And so we would object for that basis.

18 I would also want time to think about what
19 this means for our theory of the case and how to defend
20 against this.

21 MS. GORSKE: The narrative --

22 HEARING OFFICER EX: Why did you wait until today?

23 MS. GORSKE: Quite honestly, I think 832080 is
24 sufficient, but making sure that there isn't any, any

1 concern from respondent's viewpoint as to what the
2 subsection is.

3 In the City's view, there should be no concern
4 because the language in the narrative parallels the
5 language that's in subsection (a). (c) is the penalty
6 section, and (b) simply refers to allowing city
7 officials in to investigate.

8 So (b) and (c) are not what the City is
9 alleging Bottled Blonde, the respondent, has done. It's
10 clearly --

11 HEARING OFFICER EX: So that's just a penalty if
12 there is some finding of liability, what the possible
13 penalty could be, not here, but somewhere else.

14 MS. GORSKE: There is nothing that prevents
15 respondent from arguing as to, you know, they can bring
16 up subsection (b) and (c) in their argument.

17 The bottom line is the complaint is alleging
18 that there was amplified noise coming from Bottled
19 Blonde and that it was heard over a distance of more
20 than a hundred feet. That is -- that is the allegation.

21 We are not alleging that they failed to
22 cooperate with reasonable requests from enforcement
23 personnel. That's not in our complaint. It's not in
24 the narrative. Arguably, that's not even an offense.

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1 And (c) is simply the penalty section. It's not
2 applicable.

3 The City is just making absolutely sure that
4 there is no concern from the Court or from respondent
5 that we are proceeding under subsection (a). In fact,
6 when this complaint was filed and it was put into the
7 Department administrative hearings database, subsection
8 (a) comes up because that is the charge that is
9 typically brought for these cases.

10 MR. ZICCARDI: I'm sorry, but subsection (b) could
11 be construed as a prerequisite in order to find
12 liability under this ordinance. And so the fact that
13 the complaint does not allege that, it now takes away
14 one of the elements that it's our position that they
15 have to then prove.

16 HEARING OFFICER EX: Well, I think 832080 is pretty
17 explicit on its face. I don't think an amendment to (a)
18 makes any difference because their complaint spells out
19 what is alleged here. So I don't think that it makes
20 any difference, quite frankly. It doesn't preclude the
21 applicability of those other subsections. They're part
22 all of 832(a). So I don't see any reason to amend it. So
23 let's proceed.

24 MS. GALLUCCI: So we'll just deny it? Okay.

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1 HEARING OFFICER EX: Well, it does say (a) in here,
2 but that doesn't -- this is just data input on the
3 system here. That's how it shows. So it doesn't affect
4 the respondent's ability to prepare a defense. It's not
5 going to make any difference.

6 So we'll proceed with 832080. It's sufficient
7 on its face to allege the -- to support what the City is
8 alleging in the complaint.

9 All right. What else?

10 MS. GORSKE: We're ready.

11 HEARING OFFICER EX: Okay.

12 MS. GALLUCCI: I would like to make just -- I want
13 to make sure that I have made a clear record about our
14 objection to proceeding this way. I really appreciate
15 that you tried to get a room for us to sit and have an
16 ability to have our papers in front of us and operate
17 the way you normally would at trial, but seeing as that
18 was not possible, I'm going to ask for us to continue
19 until later today when we can have one of those rooms or
20 at a different date when we can have one of those rooms
21 where we can sit and try a case as opposed to --

22 HEARING OFFICER EX: I don't disagree with you, but
23 I'm not going to continue it for that purpose. I can
24 never guarantee what the facilities are here.

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1 Like I said, I asked for a room with tables.
2 I was told that they are all being used, so we're just
3 going to have make do the best we can under --

4 MS. GALLUCCI: I appreciate it. I appreciate your
5 position, but I want to make sure I'm making a clear
6 record because it is a significant hampering on us to
7 perform and do our jobs. I have a bad back, so I'll be
8 standing here thinking about my back the whole time. If
9 I sit down for a few minutes, then I can't object or be
10 heard, so literally to have a normal --

11 HEARING OFFICER EX: If you want to sit down, as
12 long as you're close enough to that microphone --

13 MS. GALLUCCI: There is also no table here to lay
14 papers out because normally at trial you have got papers
15 out, you have got your notes, and as things are
16 happening at trial you're able to --

17 HEARING OFFICER EX: Folks, no talking, please.

18 MS. GALLUCCI: As thing are happening at trial,
19 you're able to respond to them -- you're able to respond
20 to them as they're happening because you have your
21 papers in front of you and you have an organized way of
22 defending the case.

23 We don't have that here. We have, I don't
24 know, this is two feet wide by a foot and a half high,

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1 and it's slanted. And we have got two lawyers sitting
2 here, we can barely fit two legal pads on here and no
3 ability to be heard if we sit down and try to work with
4 this makeshift table that I have tried to create between
5 the benches and the chairs.

6 And I do appreciate that your hands are tied
7 on this, but I just to make sure that I'm making a
8 proper record --

9 HEARING OFFICER EX: Okay.

10 MS. GALLUCCI: -- and seeking a continuance. I did
11 ask across the hall where I got the chairs how long they
12 were there, and he said they had a 1:00 o'clock call and
13 a 2:00 o'clock call. So I would assume the 2:00 o'clock
14 call would be over sometime around 2:30 and we should be
15 able to move over to that room.

16 HEARING OFFICER EX: Well, I don't -- let's get
17 started, and if something opens up, we will take a look
18 at it. I think you have made your record.

19 City ready to proceed?

20 MS. GORSKE: Yes.

21 HEARING OFFICER EX: Okay.

22 MS. GALLUCCI: And just for housekeeping, the
23 motion was denied, correct?

24 HEARING OFFICER EX: So --

<p style="text-align: right;">Page 14</p> <p>1 MS. GALLUCCI: I'm sorry, both motions were denied. 2 HEARING OFFICER EX: Right. So is the City -- does 3 either side wish to make an opening statement? They're 4 not generally required here, but it's up to you if you 5 want to make one. 6 MS. GORSKE: The City is going to waive. 7 HEARING OFFICER EX: Okay. Do you want to make an 8 opening statement?. Are you going to waive it until your 9 case in chief? It's up to you. 10 MS. GALLUCCI: Before we move to opening statements, 11 I just want to renew our motion to dismiss which we 12 brought to your attention at the first hearing for the 13 reasons stated on the record. 14 HEARING OFFICER EX: Okay. Well, it's denied. 15 MS. GALLUCCI: Okay. And then no, we do have an 16 opening. 17 HEARING OFFICER EX: Okay. So the City waives the 18 right to opening statement. 19 MS. GORSKE: Yes. 20 HEARING OFFICER EX: Okay. Are either side moving 21 to exclude any witnesses? 22 MR. ZICCARDI: Yes. 23 MS. GALLUCCI: Yes. 24 HEARING OFFICER EX: Before you make an opening</p>	<p style="text-align: right;">Page 16</p> <p>1 HEARING OFFICER EX: Either in rebuttal or at any 2 point. 3 MS. GORSKE: No. 4 HEARING OFFICER EX: Okay. 5 MS. GORSKE: We only have four witnesses. 6 HEARING OFFICER EX: Okay. So before the respondent 7 makes an opening statement, I would like you to remove 8 your four witnesses. 9 Folks, those of you who are witnesses, this is 10 a normal motion in a hearing, that you can't sit in 11 during a hearing. So we will have you come in at 12 your -- there's three. Is there a fourth? Don't go too 13 far. Make yourself comfortable if you can. 14 (People leaving hearing room.) 15 HEARING OFFICER EX: All right. 16 MS. GALLUCCI: Okay. So our motion to exclude 17 witnesses is granted. 18 HEARING OFFICER EX: Yes. 19 MS. GALLUCCI: And the motion to instruct them not 20 to speak to each other is also granted? 21 HEARING OFFICER EX: I will tell each separately 22 when they come in as well. 23 MS. GALLUCCI: Could we do that now on the record 24 before they -- because I think it's a housekeeping</p>
<p style="text-align: right;">Page 15</p> <p>1 statement, do you have witnesses present? 2 MS. GORSKE: Yes. 3 HEARING OFFICER EX: I assume you do. 4 MS. GORSKE: Yes, I have four witnesses. 5 MS. GALLUCCI: We would like a motion not only to 6 exclude, but to instruct the witnesses that they are not 7 to discuss the case with anybody else or their testimony 8 with anybody else, including each other, while they are 9 outside the room. 10 HEARING OFFICER EX: Okay. You're not objecting to 11 the motion to exclude witnesses, are you? 12 MS. GORSKE: No. 13 HEARING OFFICER EX: All right. Why don't you -- 14 how many witnesses are you going to call today? 15 MS. GORSKE: Four. 16 HEARING OFFICER EX: Four. Okay. So what I would 17 like, and everybody else other than those witnesses is 18 not expected to be a -- people here are expected to be 19 witnesses? 20 MS. GORSKE: Pardon? 21 HEARING OFFICER EX: None of the other people who 22 are sitting here who are not your witnesses you do not 23 anticipate would be called. 24 MS. GORSKE: No.</p>	<p style="text-align: right;">Page 17</p> <p>1 matter that we won't address in time. 2 HEARING OFFICER EX: Ask them to just step into the 3 door. I'm sorry. 4 MS. GORSKE: Sure. 5 (Brief pause.) 6 HEARING OFFICER EX: Folks, just so it's clear, 7 Respondent has asked that you be instructed not to 8 discuss your testimony with each other at any point 9 during the course of this hearing. Do you all 10 understand that? 11 (Chorus of yesses.) 12 HEARING OFFICER EX: Sorry. Tried to do that from 13 here. Okay. Anything else? 14 MS. GALLUCCI: So you had said the City waives 15 opening? 16 HEARING OFFICER EX: The City waives opening. 17 MS. GORSKE: Yes. 18 HEARING OFFICER EX: Okay. Go ahead. 19 OPENING STATEMENT ON BEHALF OF Respondent 20 MS. GALLUCCI: There are 1,100 liquor licenses in 21 the River North. There are over 20 within two blocks of 22 Bottled Blonde. It's the central business district of 23 the city of Chicago. 24 The corner of Grand Avenue and Wells is not a</p>

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1 quiet residential street. It's a major traffic artery.
2 The City itself refers to the River North as the
3 Entertainment District. There are now so many bars,
4 restaurants, nightclubs, and even a strip bar in the
5 immediate area that it is impossible to attribute the
6 noise in the River North to any one establishment.

7 Even if it were possible to attribute noise in
8 the River North to one establishment, the evidence will
9 show that Bottled Blonde has not violated the noise
10 ordinance. Its technology is deliberately set up to
11 comply with the ordinance by limiting the volume so that
12 its music will not be above conversational level at a
13 distance of a hundred feet.

14 They spent hundreds of thousands of dollars to
15 make sure that they are in compliance. Bottled Blonde's
16 music doesn't interfere with conversations right outside
17 the establishment, let alone those that are a hundred
18 feet away.

19 But regardless, the City is violating Bottled
20 Blonde's due process and equal probation rights in the
21 following respects.

22 MS. GORSKE: Objection. Argument.

23 MS. GALLUCCI: The evidence will --

24 HEARING OFFICER EX: Well, I'm going to give the

1 of the ordinance and giving Bottled Blonde a chance to
2 cure if a violation is found.

3 If the City were acting in good faith, if it
4 believed its allegation of a violation on
5 September 16th, 2018 was valid, it would have sent an
6 ANOV, a notice of violation of the alleged violation
7 right away. This would have put Bottled Blonde on
8 notice of the allegation and provided an opportunity to
9 review the allegation and take curative behavior if it
10 was warranted.

11 What the City did instead was lie in the
12 weeds. It wasn't interested in turning down the volume.
13 It wanted to shut the operation for reasons other than
14 volume. Its lawyers contacted biased neighbors and
15 solicited them to file additional noise complaints 30 to
16 60 days later so it could try to manufacture more than
17 three violations as a pretext for shutting down Bottled
18 Blonde. It didn't want to give Bottled Blonde any
19 chance to cure any genuine problem. It wanted to skip
20 that part because it was never interested in a cure. It
21 was interested in shuttering the business altogether.

22 Even worse, the City also bypassed having
23 unbiased police officers come to the scene to assess
24 whether the noise violation, the alleged noise violation

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1 Respondent some leeway. I'll determine what is argument
2 and what is facts. Go ahead.

3 MS. GALLUCCI: The City has embarked on a scheme to
4 put Bottled Blonde out of business in a manner that is
5 fundamentally unfair and treats Bottled Blonde
6 differently than other similarly situated establishments
7 due to malice, not any rational distinction.

8 Here is the scheme in a nutshell. The noise
9 ordinance is written in a way to give an establishment
10 notice of an alleged violation and a hearing before any
11 sanction is imposed.

12 Built into this legislative structure is an
13 opportunity for the licensee to cure the problem and
14 prevent future violations if one had genuinely occurred.
15 Only if three such violations are found in successive
16 cases does the ordinance authorize a referral to the
17 local liquor control commissioner for a possible license
18 revocation.

19 The evidence will show that the City has
20 singled out Bottled Blonde in order to pack multiple
21 alleged violations into the same complaint so they could
22 try to get three findings of violation at the same time
23 in order to gin up a referral immediately to the local
24 liquor control commissioner without following any terms

1 was valid.

2 The evidence will show that when the neighbors
3 have complained to the police of noise violations, the
4 police have not written up tickets because there was no
5 violation. The neighbors might not like living next to
6 a restaurant or a bar, but they do. They might not like
7 the volume, but the volume is within the ordinance
8 limits at a hundred feet.

9 The police officers who have come have seen
10 that. So the City has decided to cut the police out of
11 the equation and simply recruit the biased neighbors to
12 generate their own complaints and stagger them in a
13 fashion to deprive Bottled Blonde of the cure option it
14 was entitled to.

15 This process of trying to justify a revocation
16 based on multiple violations alleged in a single
17 complaint is not only contrary to the ordinance, the
18 language of which requires excessive findings of
19 violations, not violations packed into the same
20 complaint, it violates Bottled Blonde's constitutional
21 rights for the following reasons.

22 In violation of equal protection the City is
23 treating Bottled Blonde differently from other similarly
24 situated establishments without a rational basis for

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1 doing so.

2 MS. GORSKE: Objection renewed.

3 HEARING OFFICER EX: Let's just try to --

4 MS. GALLUCCI: I'm almost done.

5 HEARING OFFICER EX: -- hold back on the law and
6 keep it to facts.

7 MS. GALLUCCI: I have to make these objections,
8 these constitutional objections. I know we won't be able
9 to get into these, but I have to just to preserve the
10 record.

11 HEARING OFFICER EX: Well, I think when you filed
12 your motion to dismiss, you preserved the --

13 MS. GALLUCCI: This was not --

14 HEARING OFFICER EX: Let's -- overruled. Go ahead.

15 MS. GALLUCCI: In violation of equal protection the
16 City is treating Bottled Blonde differently from other
17 similarly situated establishments without a rational
18 basis for doing so.

19 The City is not soliciting neighbor complaints
20 regarding other venues, cutting the police out of the
21 process while trying to pack multiple allegations in a
22 single complaint in order to provide a predicate to shut
23 other businesses down.

24 In violation of equal protection the City is

1 the conduct of others that it cannot possibly control in
2 violation of due process.

3 Additionally, the ordinance is impermissibly
4 vague in violation of due process in that the term
5 "conversational level" is inherently imprecise and
6 subjective, and this vagueness and subjectivity is
7 exacerbated by the fact that other ambient noise is
8 contributing to the noise level rendering it subjective
9 as to whether the threshold has been exceeded and
10 whether Bottled Blonde is responsible for exceeding the
11 threshold.

12 The City's scheme is further compounded by the
13 fact that the rules of proceeding do not allow
14 discovery. Bottled Blonde has not been given any
15 opportunity to review the City's evidence, marshal the
16 facts or prepare a defense. Gaining access to the
17 evidence, we are forced to defend through FOIA is an
18 insufficient method. The FOIA officer admitted to us
19 that his investigation was limited to asking our
20 opponent to provide the responsive documents. Those
21 documents omit any reference to four out of the five
22 violations charged, effectively 80 percent of the
23 complaint.

24 Because discovery is not permitted, Bottled

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1 treating Bottled Blonde as a class of one, using the
2 alleged noise violation and its recruitment packing
3 scheme as a pretext for shutting Bottled Blonde down
4 because of animus of the alderman.

5 In violation of due process the City
6 deliberately chose not to give Bottled Blonde notice and
7 an opportunity to be heard regarding the alleged
8 September 16, 2018 noise violation in order to prevent
9 Bottled Blonde from taking steps to reduce the risk for
10 future alleged citations. It kept that allegation
11 secret in order to lump the alleged violation together
12 with others occurring 30 to 60 days later so that a
13 pretext could be created to shut down the business
14 before Bottled Blonde was given a chance pursuant to the
15 ordinance to cure any violation that was found to be
16 justified after a hearing.

17 The City also has a policy and practice of not
18 taking into account other sources of ambient noise,
19 including other entertainment venues in the vicinity,
20 plus it has no means to distinguish whether the noise a
21 hundred feet from Bottled Blonde if louder than a
22 conversational level is such because of the sound from
23 Bottled Blonde or from other sources.

24 As such, Bottled Blonde is being punished for

1 Blonde is without an opportunity to challenge and hold
2 the City accountable for omitting 80 percent of its
3 evidence.

4 By the City's own rules they are violating
5 Bottled Blonde's due process rights, the City's scheme
6 should fail, and Bottled Blonde should be cleared of
7 these charges.

8 HEARING OFFICER EX: Thank you.

9 If Respondent is complete, is the City ready
10 to proceed with your first witness?

11 MS. GORSKE: Yes.

12 MS. GALLUCCI: Can you tell us who your witness is,
13 Judy?

14 MS. GORSKE: [REDACTED]

15 MS. GALLUCCI: Okay. If we can just have a moment to
16 get ready for this witness?

17 HEARING OFFICER EX: Sure.

18 (Brief pause.)

19 HEARING OFFICER EX: Did you find the witness?

20 MS. GORSKE: Yes.

21 HEARING OFFICER EX: Okay. Sir, come on all the way
22 up. Are you going to stand on the far side or -- I'm
23 asking Ms. Gorske what she prefers.

24 MS. GORSKE: Yes.

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1 HEARING OFFICER EX: There? Okay.
2 Sir, would you raise your right hand, please.
3 (Witness sworn.)
4 HEARING OFFICER EX: What is your name?
5 THE WITNESS: [REDACTED]
6 HEARING OFFICER EX: [REDACTED]
7 THE WITNESS: That's correct.
8 HEARING OFFICER EX: [REDACTED] All right. City.
9 WHEREUPON:
10 [REDACTED]
11 called as a witness herein, having been first duly
12 sworn, was examined and testified as follows:
13 DIRECT EXAMINATION
14 BY MS. GORSKE:
15 Q. [REDACTED] do you live in Chicago?
16 A. I do.
17 Q. In any particular neighborhood?
18 A. I do. I live in River North.
19 Q. And are you married?
20 A. I am.
21 Q. Do you have children?
22 A. I do.
23 Q. How many?
24 A. Two boys.

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1 Q. Do you recall last Halloween, around the
2 Halloween season, do you recall where you -- did you
3 participate in activities with your children, Halloween
4 activities?
5 HEARING OFFICER EX: Hold on one second.
6 (Brief pause.)
7 HEARING OFFICER EX: Sorry. Go ahead.
8 BY MS. GORSKE:
9 Q. Did you participate in any Halloween
10 activities with your children and your wife?
11 A. I did. We went to --
12 MS. GALLUCCI: I'm sorry, could you repeat the
13 question. Sorry.
14 BY MS. GORSKE:
15 Q. Did you participate in any Halloween
16 activities last Halloween season with your children and
17 your wife?
18 A. Yes. We were at the River North Festival at
19 Montgomery Ward Park. The kids were dressed up in
20 costume. We were on our way back.
21 Q. Would that be on Saturday --
22 HEARING OFFICER EX: Did you finish?
23 THE WITNESS: No. I think I can give you a date.
24 HEARING OFFICER EX: No, I thought you were stopped

1 in the middle of your answer. Was there more you wanted
2 to say?
3 THE WITNESS: No.
4 HEARING OFFICER EX: All right. Go ahead.
5 BY MS. GORSKE:
6 Q. Would that be on Saturday, October 27, 2018?
7 A. It was.
8 Q. And approximately what time did you leave that
9 event?
10 A. Probably after 4:00 p.m.
11 Q. And when you left that event, who were you
12 with?
13 A. My wife and two kids.
14 Q. Did you return home?
15 A. We did.
16 Q. On foot or in a vehicle?
17 A. We were on foot.
18 Q. What street did you walk down?
19 A. After the event we went to, I think it was
20 brunch on, it was Illinois, and then we walked down
21 Wells coming from the north to our home at [REDACTED]
22 Q. And your home is at what address?
23 A. [REDACTED]
24 Q. Is that a house or a condo?

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1 A. It's a condo.
2 Q. And you're walking what direction down Wells?
3 A. We are walking south.
4 Q. Are you on the east side or the west side of
5 the street?
6 A. We are on the lake side, so that would be the
7 east.
8 Q. And as you're walking southbound on Wells, are
9 you approaching an intersecting street?
10 A. We are. We are approaching Grand.
11 Q. And as you're approaching Grand, is there
12 anything that you notice?
13 A. Yes. As we have heard many times, but early
14 in the afternoon at this point, a lot of loud music.
15 Q. At the point where you hear the loud music,
16 have you reached Grand yet?
17 A. No, we were just north of Grand, probably in
18 front of GT Oyster, I think.
19 Q. And is GT Oyster located at 531 North Wells
20 approximately?
21 A. Probably, yeah.
22 Q. You said you heard a loud noise. Would you
23 describe it?
24 A. Standard sort of DJ amplified, you know,

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1 music.
2 Q. How would you characterize the level?
3 A. Normally in that area loud, but this time, you
4 know, for 4:30 in the afternoon really, really loud.
5 Q. Was it music, spoken word, or something else?
6 A. Oh, no, it was music.
7 Q. Was it intermittent or steady?
8 A. It was steady.
9 Q. How far were you from the corner when you
10 first noticed the music?
11 HEARING OFFICER EX: Which corner are you talking
12 about?
13 MS. GORSKE: Corner of Wells and Grand.
14 HEARING OFFICER EX: Wells and Grand.
15 BY THE WITNESS:
16 A. Either on our walking down, which would be
17 from a couple blocks north Ontario to whatever is next
18 to Grand, we probably started to pay attention to it mid
19 block north of Grand, which is, you know, there is an
20 Irish bar, there is some other house, and then there is
21 GT Oyster.
22 BY MS. GORSKE:
23 Q. Were you conversing with your wife at that
24 time?

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1 A. I was. I was talking with her and the kids.
2 Q. Were -- were you -- were you able to hear them
3 over the noise?
4 A. Sort of. We -- that's when we actually said,
5 "Holy cow, is this loud." And that's when we had to
6 start to raise our voices. No one could hear each
7 other.
8 Q. And you indicated that you were with your
9 wife?
10 A. Correct.
11 Q. Was she of the same opinion as you?
12 MS. GALLUCCI: Objection. It's hearsay.
13 HEARING OFFICER EX: Sustained. Hearsay is
14 admissible in these proceedings, but not something like
15 that unless you're going to call her as a witness.
16 BY MS. GORSKE:
17 Q. How is your hearing?
18 A. Perfect. Good.
19 Q. What was the level of the noise in comparison
20 to the street traffic?
21 A. Noticeably louder.
22 Q. Do you know where the music came from?
23 A. Yes.
24 Q. Where did it come from?

1 A. It came from Bottled Blonde.
2 Q. How do you know that?
3 A. Just could hear it coming from there. It has
4 come from there many times.. It has been coming for a
5 few years. This wasn't the first time, so we didn't
6 have to guess. There was no other club around. There
7 is no other place for music like that to be coming out
8 of, and no doubt in my mind it came from there.
9 Q. When you were standing at the corner, you said
10 in front of GT Oyster, I believe, do you know
11 approximately what the distance is from that location to
12 Bottled Blonde?
13 MR. ZICCARDI: Objection. No foundation.
14 HEARING OFFICER EX: Well, I'll reserve ruling on
15 that. I want to hear what he is going to say at this
16 point. Go ahead.
17 BY THE WITNESS:
18 A. I don't know the exact footage, but I would
19 guess 200 to 300 feet.
20 HEARING OFFICER EX: I'm going to overrule this
21 objection because the witness has answered. You can
22 cross examine him as to his recollection of distance.
23 BY MS. GORSKE:
24 Q. Did you --

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1 MS. GALLUCCI: Hang on one second just because your
2 witnesses are right out there. I don't want them to hear
3 the question.
4 HEARING OFFICER EX: That's the City attorney.
5 Sir, you said you were 200 to 300 feet away
6 from Bottled Blonde?
7 THE WITNESS: That would be my guess, yes.
8 HEARING OFFICER EX: At that particular point.
9 THE WITNESS: From crossing the intersection, yes.
10 BY MS. GORSKE:
11 Q. Did you proceed to cross the intersection?
12 A. We did..
13 Q. Did you go to your condo?
14 A. We did.
15 Q. Did the music sound louder as you approached
16 your condo or softer?
17 A. Louder.
18 Q. What did you do then?
19 A. Went in the house, probably called 911 and
20 asked them, as we have been instructed to call, called
21 them and asked for them to come and ask Bottled Blonde
22 to turn it down, as we have done many times over.
23 Q. I'm showing you for purposes -- for
24 demonstrative exhibits, not to be entered into evidence.

1 and I'm showing this to opposing counsel, these two
2 photos.
3 MS. GALLUCCI: Can we have a copy of these?
4 MS. GORSKE: I'm using them for demonstrative
5 evidence. I'm not seeking to introduce these into
6 evidence.
7 MS. GALLUCCI: But it's appropriate to bring a copy
8 for counsel. We should have our own copy to look at
9 while you're questioning with the witness.
10 MS. GORSKE: I'll just use this one and I'll show
11 it to you as we go along.
12 MS. GALLUCCI: I should have a copy --
13 HEARING OFFICER EX: Folks, let's not argue with
14 each other. How many pictures do you have?
15 MS. GORSKE: It's two photos, and I'm using them as
16 demonstratives.
17 MS. GALLUCCI: I haven't even finished looking at
18 them.
19 HEARING OFFICER EX: They have a right to see what
20 you're doing. Are you going to use all of those with
21 this witness?
22 MS. GORSKE: No, just these two photos with this
23 witness.
24 HEARING OFFICER EX: Since we don't have a copier

1 Q. Now, you have testified --
2 A. It should be this way.
3 Q. -- previously that you thought the music was
4 coming from Bottled Blonde.
5 HEARING OFFICER EX: Just stop for a second. Can
6 you mark those so that the Respondents can know which
7 photo you're referring to. 1 and 2?
8 MS. GORSKE: Yes.
9 (City Exhibits Nos. 1 and 2 marked.)
10 HEARING OFFICER EX: Okay. Do you want to see
11 which is which?
12 MS. GALLUCCI: Yes.
13 HEARING OFFICER EX: If you will just hold it up so
14 they can see which photo you're referring to.
15 MS. GALLUCCI: Why don't you hold up 1, and then
16 we'll know that it's 1.
17 MS. GORSKE: (Indicating).
18 MS. GALLUCCI: Okay. That's 1. Thank you.
19 BY MS. GORSKE:
20 Q. You previously testified that you were at the
21 corner of Grand and Wells. What corner would that be?
22 Northeast? Southeast?
23 A. When we noticed it, we were on -- it would be
24 the northeast corner.

1 in this room, do you want to stand over there where you
2 can see? Maybe that will be helpful.
3 MS. GALLUCCI: No. I wanted her to make a photocopy
4 and give us a copy, which is proper.
5 HEARING OFFICER EX: Can you make copies of those
6 photos?
7 MS. GALLUCCI: We are already sitting on little
8 teacups here trying to prepare a defense.
9 HEARING OFFICER EX: It's not unreasonable to give
10 to give them a copy.
11 MS. GORSKE: No, let me see. I might have -- I might
12 have --
13 HEARING OFFICER EX: Any exhibits that you're going
14 to show, you should have copies for the other side.
15 MS. GORSKE: I do.
16 HEARING OFFICER EX: These are copies of what
17 you're going to use?
18 MS. GORSKE: Yes, they are exact copies of what I'm
19 going to use.
20 HEARING OFFICER EX: All right. How many exhibits
21 do you have, just two?
22 MS. GORSKE: Two.
23 HEARING OFFICER EX: Okay. Go ahead.
24 BY MS. GORSKE:

1 MS. GALLUCCI: I'm sorry, you're on -- which
2 exhibit are you on?
3 THE WITNESS: I am on City 2.
4 MS. GALLUCCI: Okay.
5 THE WITNESS: And I am pointing to the far right
6 where the white truck is.
7 MS. GORSKE: I'm going to ask him to mark.
8 HEARING OFFICER EX: Okay.
9 BY MS. GORSKE:
10 Q. If you could put with an orange marker where
11 you were when you heard...
12 A. So GT is right about here in front of this.
13 So we would have been in that area right there
14 (indicating).
15 Q. And you have drawn a circle on City's
16 Exhibit 2.
17 A. And then we would have come across this way
18 and to our home here (indicating).
19 Q. And if you could draw a -- let's see. You
20 have indicated you noticed that the music came from
21 Bottled Blonde?
22 A. Yes.
23 Q. Did you walk in the direction towards Bottled
24 Blonde after you left that corner?

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1 A. Yes, I did, because my home is in the
2 direction of Bottled Blonde.
3 Q. Okay. And do you see Bottled Blonde in this
4 photo?
5 A. I do.
6 HEARING OFFICER EX: Are we still on photo 2?
7 THE WITNESS: We can be partly on photo 2.
8 MS. GORSKE: On photo 2.
9 HEARING OFFICER EX: Okay. Let's just be clear..
10 BY MS. GORSKE:
11 Q. If you could mark where Bottled Blonde begins
12 on 2 with a green marker.
13 A. Okay. I believe it starts right here
14 (indicating).
15 MS. GALLUCCI: Can we see where he marked?
16 MS. GORSKE: (Indicating).
17 And at this point the City would show these to
18 the Court, without seeking to introduce those into
19 evidence. We are only seeking to elucidate the
20 testimony of the City's witness [REDACTED]
21 HEARING OFFICER EX: You marked with green on 2 or
22 1?
23 MR. ZICCARDI: City 2.
24 HEARING OFFICER EX: 2? Thank you.

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1 MS. GORSKE: Nothing further for this witness.
2 HEARING OFFICER EX: Cross.
3 MS. GALLUCCI: If we could just have a moment.
4 HEARING OFFICER EX: Sure.
5 (Brief pause.)
6 MR. ZICCARDI: [REDACTED] We are going to mark as
7 Respondent's Exhibit No. 1 -- I'll tender a copy to
8 counsel.
9 HEARING OFFICER EX: For the record, that's a
10 photograph, Mr. Ziccardi? 1?
11 MR. ZICCARDI: Respondent's Exhibit 1.
12 HEARING OFFICER EX: Which is a photograph,
13 correct?
14 MR. ZICCARDI: It's a photograph, correct.
15 (Respondent's Exhibit No. 1 marked.)
16 CROSS-EXAMINATION
17 BY MR. ZICCARDI:
18 Q. Sir, do you recognize that, what's depicted in
19 that picture?
20 A. I do.
21 Q. And that's the northeast corner of Wells,
22 Grand and Wells; correct?
23 A. It is.
24 Q. And if I understand your testimony correctly,

1 that's where you were walking when you claim you heard a
2 noise; right?
3 A. Correct.
4 Q. And the -- could you mark on that picture,
5 okay, right on that, could you mark specifically on that
6 picture exactly where you were?
7 MS. GORSKE: Do you have a marker for them?
8 MR. ZICCARDI: You can use this pen.
9 BY THE WITNESS:
10 A. Heading down this path right here in that
11 direction (indicating).
12 HEARING OFFICER EX: So the record will reflect
13 that -- is that writing on that?
14 MR. ZICCARDI: No, let me get you a different pen.
15 MS. GALLUCCI: Do you have a copy for the --
16 MR. ZICCARDI: Yes..
17 MS. GALLUCCI: We have a copy for you too.
18 HEARING OFFICER EX: Hold on one second. I'm going
19 to contribute this.
20 MR. ZICCARDI: Thank you.
21 HEARING OFFICER EX: Mark it again, sir, where you
22 were.
23 THE WITNESS: (Complying.)
24 BY MR. ZICCARDI:

1 Q. So if I understand your testimony correctly,
2 you were at 531 North Wells?
3 A. Coming south on Wells, yes.
4 Q. Is this --
5 A. GT Oyster.
6 Q. The establishment on the corner is GT Oyster;
7 correct?
8 A. Yes.
9 Q. And that's 531 North Wells; right?
10 A. Correct.
11 MS. GALLUCCI: Just for the record -- okay. Just
12 for the record, the --
13 MS. GORSKE: Objection: Are both attorneys going to
14 be --
15 MS. GALLUCCI: I just want to say where it was that
16 the witness has marked on the exhibit in the bottom
17 left-hand corner, that's all, just for the record.
18 HEARING OFFICER EX: Okay. So let's keep one
19 attorney at a time.
20 MS. GALLUCCI: Sorry.
21 BY MR. ZICCARDI:
22 Q. There is just north of where you were when you
23 heard that noise, there is another bar over there called
24 O'Leary's; correct?

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1 A. Um-hmm.
2 Q. And you were actually closer to O'Leary's than
3 you were actually closer to Bottled Blonde; correct?
4 A. For sure.
5 Q. And there is also another bar down the street
6 from where you were standing. I believe it's called
7 Ironside Bar and Galley, is that correct?
8 A. That is correct too, yes.
9 Q. And you were also closer to Ironside Bar at
10 the time you say you heard this noise; correct?
11 A. Sure, yeah, in fact closer to both of those.
12 Q. Right. And then you continued walking south on
13 Wells Street; correct?
14 A. We got to the corner and we crossed Wells and
15 then went over to Grand. So we were at Wells and Grand
16 right here, and we probably cut across Wells to be on
17 the -- what is that, the west side, and then cut across
18 Grand going south to the front of our building.
19 Q. The entrance to your building is on Grand?
20 A. Correct.
21 Q. You're also where the Pepper Cannister is
22 another bar; correct?
23 A. Yes.
24 Q. And that's on Wells Street directly across the

1 excessive was your subjective opinion; correct?
2 A. Correct.
3 Q. You didn't record the sound you heard at that
4 point in time; correct?
5 A. Correct.
6 Q. And you didn't measure the distance at which
7 you were specifically from Bottled Blonde; correct?
8 A. Correct.
9 Q. So I think you guesstimated that it was
10 between 200 to 300 feet; correct?
11 A. Correct.
12 Q. Even after the fact, even after this date you
13 didn't at any point measure that distance; correct?
14 A. I probably have measured the distance, but I
15 probably didn't save it.
16 Q. Okay. In fact, you had had -- up to that point
17 in time you had had numerous conversations with the
18 counsel for the City; correct?
19 A. I have had conversations with her in the past,
20 yes, about a prior noise violation.
21 Q. In fact, there were some violations that you
22 wanted to bring to the City's attention back in June
23 of 2018; correct?
24 A. I did, yes. And they were actually issued a

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1 street?
2 A. It sure is, yes.
3 MR. ZICCARDI: Let me finish, sir.
4 HEARING OFFICER EX: Let him ask, finish his.
5 question before you answer.
6 BY MR. ZICCARDI:
7 Q. The Pepper Cannister is directly across the
8 street from Bottled Blonde on Wells Street; correct?
9 A. Correct.
10 Q. And that's a bar and they play music there;
11 isn't that correct?
12 A. To the best of my knowledge, they don't play
13 music, but they are a bar.
14 Q. Now, you did not use any type of equipment to
15 measure the sound level; correct?
16 A. No. I did not, correct. I did not.
17 Q. You didn't take any readings with a decibel
18 meter of any type; correct?
19 A. Correct.
20 Q. In fact, you have no way to objectively test
21 the sound level on October 27, 2018 when this, you claim
22 this violation occurred; correct?
23 A. Objectively?
24 Q. Correct. So your claim that the noise was

1 ticket.
2 Q. And you had numerous conversations back and
3 forth with counsel as to where specifically you could be
4 to constitute a violation; correct?
5 A. She helped us understand the ordinance.
6 Q. Correct, because in fact, she told you that
7 you had to be at least a hundred feet away; correct?
8 A. Probably, yes.
9 Q. Is it your testimony, sir, that noise that you
10 heard that day could not possibly have come from any
11 other establishment?
12 A. It is, correct.
13 Q. Did you go to every establishment in the area
14 to determine, sir, that there was no noise coming from
15 any of those other establishments?
16 A. I did not.
17 Q. In fact, you live in the River North, which is
18 a contested area; correct?
19 A. Some streets can be congested.
20 Q. There is a lot of establishments within a 2-
21 or 3-block radius; isn't that correct?
22 A. That's correct.
23 Q. And there are various bars that are some of
24 those establishments; right?

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1 A. Correct.
2 Q. And most bars play music; correct?
3 A. Yes.
4 Q. And so it's your testimony today that on
5 October 27th you can definitively state that the sound
6 absolutely came from Bottled Blonde?
7 MS. GORSKE: Objection. Asked and answered.
8 HEARING OFFICER EX: I think that was answered.
9 Sustained.
10 BY MR. ZICCARDI:
11 Q. And you didn't report this -- strike that.
12 I think you said you called 911 that day?
13 A. I don't remember who called 911, whether it
14 was me or my wife or we may have also e-mailed counsel,
15 which is something she asked us to do when these
16 violations occur.
17 Q. You didn't go to Bottled Blonde and ask them
18 to turn it down; correct?
19 A. After two years of trying that, we have
20 stopped doing that.
21 Q. So that's a no?
22 A. No.
23 Q. And you're familiar with my partner here, Ms.
24 Gallucci?

1 isn't that correct?
2 A. That's incorrect. They issued one last June.
3 Q. That was for a noise violation that wasn't a
4 hundred feet away; correct?
5 A. I don't know the distance of it.
6 Q. To your knowledge, that ticket wasn't
7 prosecuted; correct?
8 A. Yeah, I don't understand why that was revoked
9 or pulled..
10 Q. You don't recall communications with counsel
11 in which she indicated that --
12 MS. GORSKE: Objection. Relevance.
13 HEARING OFFICER EX: What's the relevance of this?
14 MR. ZICCARDI: Well, he just said they were issued
15 a ticket, but he doesn't know what happened.
16 HEARING OFFICER EX: I know, but what does this
17 other ticket have to do with this?
18 MR. ZICCARDI: The fact that the City of Chicago
19 has never cited Bottled Blonde for a valid approvable
20 noise offense.
21 HEARING OFFICER EX: No, I think that's beyond the
22 scope as well -- it's beyond the scope. It's not
23 relevant to this issue. How would that be relevant,
24 that the City --

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1 A. I am.
2 Q. And you know her to be counsel for Bottled
3 Blonde; correct?
4 A. I do.
5 Q. And actually, she has given you her number to
6 contact her anytime there is a violation; correct?
7 A. And I have told her it's not my responsibility
8 to enforce the noise laws for Bottled Blonde, they
9 should do their own. But yes, that's correct.
10 Q. But you haven't actually taken her up on any
11 of those opportunities to contact her and notify her
12 when you believe there is a violation?
13 A. Yes, we have.
14 Q. But on this occasion, October 27th, 2018, you
15 did not do that?
16 A. That's correct.
17 Q. In fact, you have been pushing to get Bottled
18 Blonde closed for a number of years; correct?
19 A. I don't believe that to be correct. I have
20 been following up on the issues when we don't sleep, we
21 try and follow the rules to request that they turn it
22 down or get a ticket.
23 Q. To your knowledge, the City of Chicago Police
24 Department has never issued a ticket to Bottled Blonde;

1 MS. GALLUCCI: It's relevant.
2 HEARING OFFICER EX: -- hasn't filed other tickets
3 at different times?
4 MS. GALLUCCI: It's relevant because it's our
5 contention that what the City is doing here with these
6 biased witnesses that live in a building attached to our
7 client is they're circumventing the police, who show up
8 routinely and find that there is no violation.
9 MS. GORSKE: Your Honor, again, the City would note
10 that both counsel are --
11 HEARING OFFICER EX: Well, I don't have a problem
12 with either of them arguing as long as only one is
13 examining the witness at a time. So did you --
14 MS. GALLUCCI: It's relevant because the City
15 instead of having the police come out, find a violation,
16 I mean, they're trying to close them down all the time.
17 They have sent the police there hundreds of times. No
18 ticket is ever written because they have never found a
19 noise violation. It's silent on the street.
20 HEARING OFFICER EX: I think this is getting well
21 beyond the --
22 MS. GALLUCCI: It's relevant because it's our
23 theory of the case that they're circumventing the
24 police.

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1 HEARING OFFICER EX: I understand, but it still has
2 to be relevant. If you can answer that question -- can
3 you answer the question? Do you recall what it was?
4 THE WITNESS: I remember the question at this
5 point. It was something about --
6 HEARING OFFICER EX: Why don't you rephrase the
7 question or reask the question and see if he can answer
8 it.
9 BY MR. ZICCARDI:
10 Q. I believe the question was that the ticket you
11 referred to --
12 A. In June.
13 Q. -- in June of 2018, that ultimately was
14 determined not to be valid, correct?
15 A. I don't know the outcome. What I do know is I
16 showed up for court that day at the time they were
17 supposed to be here, and someone said it had been
18 removed from this court proceeding because of the other
19 court proceedings that were taking place and was
20 supposedly going to be added to that one for
21 consideration. That's the only piece that I do remember
22 hearing. I don't remember exactly what the outcome was
23 from a legal perspective.
24 HEARING OFFICER EX: Next question.

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1 BY MR. ZICCARDI:
2 Q. When you call the Chicago police to report
3 these noise violations, do you actually give your name
4 as a complaining witness?
5 A. For the first year of asking for these, we did
6 not, we said anonymous. We spoke to someone I'm
7 guessing six months ago who said "Please give your name
8 and have them show up." Actually, that was in the June
9 ticket. They said "The only way these are going to get
10 filed is if you leave your name and the police will come
11 to you."
12 So then we started to leave our name, and I
13 would say maybe a third of the time the police would
14 come. They were supposed to come every time. They
15 probably only came about a third of the time.
16 Q. Did the police come on this particular
17 instance, this October 27th?
18 A. They did not.
19 Q. Other than the one instance you told me about,
20 have the Chicago police actually issued tickets to
21 Bottled Blonde?
22 MS. GORSKE: Objection again, outside the scope and
23 relevance.
24 HEARING OFFICER EX: Sustained. Ask another

1 question.
2 BY MR. ZICCARDI:
3 Q. Have you signed any complaints against Bottled
4 Blonde?
5 A. Have I signed any complaints? I don't believe
6 so, no.
7 Q. Sir, did -- in your communications with Ms.
8 Gorske, you had indicated to her that you would provide
9 details to her or --
10 MS. GORSKE: Objection. Beyond the scope.
11 Relevance.
12 HEARING OFFICER EX: What's the purpose of this
13 question?
14 MR. ZICCARDI: Again, it's -- the e-mails indicate
15 that [REDACTED] said he was going to provide the details
16 of these violations that he claimed, and in the
17 documents we received there is no indication of any of
18 those details provided.
19 MS. GALLUCCI: And there like is a reference to the
20 fact that he had done it in a subsequent e-mail.
21 HEARING OFFICER EX: I'll give you some leeway here
22 if [REDACTED] can respond to that.
23 BY THE WITNESS:
24 A. To details. After the June ticket, you know,

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1 no resolution came from that, we asked her what can we
2 do, what should we be getting that would be helpful
3 because most Thursdays through Sunday we don't sleep
4 between 10:00 and 2:00 a.m. So we said what can we get,
5 what can we do?
6 Probably any details I would have offered up
7 would have been to be willing to go out and send our
8 phone records of all the 911 calls we have made.
9 BY MR. ZICCARDI:
10 Q. Did you actually send an e-mail with details
11 of the violations to Ms. Gorske?
12 A. Like I said, I offered to send the only detail
13 I can think of would be a 911 record. And we have not
14 sent those to her.
15 Q. Let me ask you to take a look at -- I'm going
16 to show you what is your August 18, 2018 e-mail. That's
17 from you, [REDACTED] correct?
18 HEARING OFFICER EX: Can we mark that so we know
19 what you're referring to.
20 MR. ZICCARDI: I'll mark it as Respondent's
21 Exhibit 2.
22 (Respondent's Exhibit No. 2 marked.)
23 HEARING OFFICER EX: What is that, an e-mail?
24 MR. ZICCARDI: It's an e-mail. The e-mail itself

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1 I'm referring to is August 18th of 2018 from [REDACTED]
2 to Ms. Gorske.
3 BY MR. ZICCARDI:
4 Q. And let me direct you first to the one that's
5 from August 18th, 2018, at 8:50 a.m. Ms. Gorske wrote to
6 you, she is asking you if you have -- no rush to reply.
7 Do you see that there?
8 A. Um-hmm.
9 Q. Yes?
10 A. Yes.
11 Q. And then your response was: "Hi, there. Yes,
12 was traveling. Will write details over weekend." That
13 was your response, correct?
14 A. Correct.
15 Q. Do you know if you actually responded to this
16 and wrote details?
17 MS. GORSKE: Objection. Asked and answered. [REDACTED]
18 [REDACTED] has previously stated that he was going to send
19 something to the City and that he did not.
20 HEARING OFFICER EX: Well, I'm not really sure what
21 he said, so let's have him answer again just so it's
22 clear.
23 BY THE WITNESS:
24 A. I have no idea what I wrote in response to

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1 this, but I probably have a record of it. I know that,
2 you know, she did give us the detail about the noise
3 issues and how it would be helpful from whatever this
4 is, looks like the ordinance.
5 BY MR. ZICCARDI:
6 Q. Correct. The response to you above was
7 essentially to provide the statute and indicate to you
8 how you should go about finding violations, correct?
9 A. Correct. So when we call 911, nothing happens,
10 we don't sleep, we ask for help, how do we actually
11 gather information that would be helpful to be here
12 today. That's essentially what we were doing.
13 MS. GALLUCCI: I would ask that if the witness
14 could please look to see if he had sent that e-mail on
15 that day.
16 MS. GORSKE: Objection again.
17 MS. GALLUCCI: I'm asking the Court -- I'm in the
18 middle of asking -- I would ask for the witness to check
19 to see if he sent that e-mail because we received these
20 through FOIA. The City's FOIA officer said that his
21 search is limited only to asking Ms. Gorske to turn over
22 the e-mails. There is a reference to him having sent
23 the information that he said he would send. He said "I
24 was traveling. I'll send details over the weekend."

1 Then there is a subsequent e-mail that
2 references that he had done that.
3 So I would ask the witness to look to see if
4 he has done so, to turn it over to Ms. Gorske and this
5 Court to ask her to turn it over to us pursuant to our
6 rights under 4(f), which we feel have been violated by
7 the omission of this e-mail.
8 HEARING OFFICER EX: I don't have any authority to
9 order him to turn over something. If the City has
10 possession of something --
11 MS. GORSKE: Your Honor, this proceeding is simply
12 the City's witnesses on the noise complaint testifying
13 as to what they heard on the specific dates.
14 This is not the proceeding where a response to
15 a FOIA request is being litigated.
16 HEARING OFFICER EX: Well, I don't know what the
17 FOIA request is. I'm assuming there were a number -- I
18 know there were a number of FOIA requests. So I'm not
19 going to order this witness to produce anything. First
20 of all, I don't have the authority to do that. And
21 second of all, as I discussed with counsel last week, if
22 your FOIA requests turn up some impeaching materials,
23 you're free in your case in chief to present them. And
24 I'm not going to order this witness to do so.

1 MS. GALLUCCI: Well, I would ask to adjourn the
2 proceedings until we can proceed forward with the --
3 this is all under investigation by the AG. And when we
4 have our moment to have the AG be a neutral arbiter
5 instead of the City deciding whether or not they turn
6 over e-mails or don't, I think that we will be able to
7 get to the bottom of this e-mail.
8 And so I would ask that we adjourn until that
9 time because I do want those details that [REDACTED] sent
10 to Ms. Gorske. We are entitled to those pursuant to
11 law. They did send us lots of e-mails, but they just
12 stopped -- this one was an omission, and then the other
13 violations, this violation plus three of the four
14 others, also the details were not there, even though
15 there were e-mails before and after referencing them.
16 HEARING OFFICER EX: I think you have to deal with
17 that with whatever agency you serve your FOIA on, but
18 I'm not going to adjourn this for the same reason I
19 didn't continue it last week, that your FOIAs are still
20 outstanding. If you come into possession of some
21 documents that are impeaching, you can offer those. But
22 I'm not going to continue this matter because I already
23 indicated last week that we weren't going to do that.
24 MS. GALLUCCI: Okay. I believe that the witness has

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1 indicated that he would have followed through on the
2 e-mail, as he said he was going to. And since there is
3 a reference to it later, I do believe that e-mail exists
4 and I do believe Ms. Gorske omitted it intentionally or
5 non-intentionally, which is entirely possible. It
6 really shouldn't fall on her to be the sole Respondent
7 in these FOIA --

8 HEARING OFFICER EX: I think I have addressed it as
9 much as I can, Counsel, so let's move on.

10 MS. GORSKE: Okay. So our request denied?

11 HEARING OFFICER EX: Yes.

12 MS. GORSKE: Thank you.

13 CROSS-EXAMINATION

14 BY MS. GALLUCCI:

15 Q. [REDACTED] we spoke on the phone back in April
16 of 2018?

17 A. I know we spoke on the phone. I don't know
18 what date it was.

19 Q. I brought your phone records, and I can
20 refresh your recollection, but I do believe that it was
21 somewhere around that period of time.

22 We spoke on April 9th. We had a 42-minute
23 phone call. That would have been our first phone call.

24 A. Okay..

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1 Q. And I think it was a pretty pleasant one,
2 given that we're on opposite sides of the fence here,
3 but I did -- would you agree?

4 A. I would agree with that.

5 Q. Did you feel like I was trying to be helpful
6 to you in that phone call?

7 A. No.

8 Q. You didn't?

9 A. No. I think that you were courteous, but no.
10 It was our belief that because there were other legal
11 proceedings, it did not make sense for us to continue to
12 have discussions with you through my phone call when I
13 didn't know anything else that was going on.

14 MS. GORSKE: Your Honor, again, the cross was begun
15 by one counsel --

16 HEARING OFFICER EX: Yeah, how come you are
17 switching --

18 MS. GORSKE: -- and now is being continued by other
19 counsel.

20 MS. GALLUCCI: He is finished with his, and I just
21 have a couple follow-up questions.

22 HEARING OFFICER EX: No, we're not going to have a
23 tag team on cross. You don't get to do that.

24 MS. GALLUCCI: I just have three more questions.

1 HEARING OFFICER EX: Finish up those questions.

2 MS. GALLUCCI: Okay.

3 HEARING OFFICER EX: But in the future only one
4 attorney gets to question a witness.

5 MS. GALLUCCI: Okay..

6 HEARING OFFICER EX: You can switch off witnesses,
7 but you can't tag team cross-examination.

8 MS. GALLUCCI: All right..

9 BY MS. GALLUCCI:

10 Q. We had a conversation about some noise that
11 was going into the garbage dumpsters; correct?

12 MS. GORSKE: Objection. Relevance and outside the
13 scope.

14 HEARING OFFICER EX: I don't know.

15 MS. GALLUCCI: It's noise.

16 HEARING OFFICER EX: Let her finish the question and
17 we'll see.

18 BY MS. GALLUCCI:

19 Q. We had a conversation about some garbage
20 noise. They were throwing the garbage away in a way that
21 was very bothersome for you; correct?

22 A. They do yes.

23 Q. And I had offered to try to assist in that
24 matter, and when we spoke two weeks later, you agreed it

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1 was better; correct?

2 A. I don't have a recollection of that.

3 HEARING OFFICER EX: Hold on one second. What's
4 the relevance to testimony so far?

5 MS. GALLUCCI: Remediation, that when we were
6 given notification about a noise issue, we took steps to
7 remediate that.

8 HEARING OFFICER EX: All right. I'm not sure how
9 that's relevant, though, to these five violations or
10 this one that he is testifying about.

11 MS. GALLUCCI: Because the noise ordinance sets out
12 that you would have notice and then you would have an
13 opportunity to correct. And in this instance we had
14 notice and opportunity to correct and objectively
15 corrected.

16 HEARING OFFICER EX: I want to try to keep this
17 within a tighter scope here. So that's -- the objection
18 that previously is made is sustained.

19 BY MS. GALLUCCI:

20 Q. When we were having the conversation and I was
21 attempting to assist you, didn't you tell me that even
22 though the noise was better, you just don't want them
23 there?

24 MS. GORSKE: Objection.

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1 BY THE WITNESS:
2 A. I don't have any recollection of that.
3 HEARING OFFICER EX: Hold on. Hold on. I'll allow
4 that because it goes to credibility. Go ahead. Can you
5 answer that?
6 THE WITNESS: I don't have any recollection of
7 saying that.
8 BY MS. GALLUCCI:
9 Q. Do you have any reason to doubt that I'm being
10 honest with you at this moment?
11 MS. GORSKE: Objection.
12 HEARING OFFICER EX: Sustained. That's
13 argumentative.
14 BY THE WITNESS:
15 A. Yes, I do.
16 HEARING OFFICER EX: No. I sustained that. If I
17 sustain an objection, that means you don't answer it.
18 Okay?
19 THE WITNESS: Thank you.
20 HEARING OFFICER EX: I know --
21 BY MS. GALLUCCI:
22 Q. But the truth is you don't want Bottled Blonde
23 there; correct?
24 MS. GORSKE: Objection.

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1 HEARING OFFICER EX: I think that's a similar
2 question. Sustained. He has already answered that.
3 Obviously --
4 MS. GALLUCCI: This goes right to their motive,
5 bias, and interest.
6 HEARING OFFICER EX: Well, obviously, he is not
7 somebody who likes Bottled Blonde. That's already come
8 across.
9 MS. GALLUCCI: But this is a different question.
10 This question goes right to motive, bias, and interest.
11 And the fact of the matter is they don't want -- they
12 are trying to terminate this liquor license. I think I
13 should be able to ask him that.
14 HEARING OFFICER EX: Well, he's not the one who
15 terminates it. He is just a witness.
16 MS. GALLUCCI: But he told me that we just --
17 HEARING OFFICER EX: Ask him one more question
18 about this because I don't want it to go on any further.
19 BY MS. GALLUCCI:
20 Q. You want Bottled Blonde to lose their liquor
21 license; correct?
22 MS. GORSKE: Objection.
23 HEARING OFFICER EX: Let him answer.
24 BY THE WITNESS:

1 A. Impartially, no. What I want is Bottled
2 Blonde to be quiet and closed at like 10:00 or 11:00
3 p.m. like every other bar and restaurant in the area,
4 because we don't sleep between 10:00 p.m. and 2:00 or
5 3:00 a.m. Thursday through Sunday.
6 When I came and moved two months -- or two
7 years ago, that's what I asked for, that's what I was
8 fighting for, and that's why I'm here, period. I don't
9 care what happens to Bottled Blonde. I had a lovely
10 pizza there. They played games, it's nice. That's my
11 beef. I want quiet, period.
12 Q. But didn't you tell me that you wanted Bottled
13 Blonde to lose their license?
14 A. I have no idea.
15 MS. GORSKE: Objection.
16 HEARING OFFICER EX: That's been asked and answered.
17 Are you tag-teaming too?
18 MR. DORAN: I'm talking to her.
19 HEARING OFFICER EX: Okay. Next.
20 MS. GALLUCCI: That's all.
21 HEARING OFFICER EX: Anything on redirect?
22 MS. GORSKE: No.
23 HEARING OFFICER EX: All right. Next witness.
24 (Witness excused.)

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1 HEARING OFFICER EX: And Counsels, you marked two
2 exhibits. You're going to hold on to those until the
3 appropriate time, I assume.
4 MR. ZICCARDI: Yes.
5 MS. GORSKE: [REDACTED] will be next.
6 HEARING OFFICER EX: How long -- is he going to be
7 about the same length?
8 MS. GORSKE: Right. Pretty much.
9 HEARING OFFICER EX: Does anybody want to take a
10 break or do you want to wade through this witness?
11 (No response.)
12 HEARING OFFICER EX: Everybody is okay? Ms.
13 Gallucci, are you okay?
14 MS. GALLUCCI: Yes.
15 HEARING OFFICER EX: We'll take a break after this
16 witness, I think, for a few minutes.
17 MS. GALLUCCI: Yeah, that's good.
18 HEARING OFFICER EX: Sir, raise your right hand,
19 please.
20 (Witness sworn.)
21 HEARING OFFICER EX: What is your name?
22 THE WITNESS: [REDACTED]
23 HEARING OFFICER EX: [REDACTED]
24 THE WITNESS: Yes.

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1 HEARING OFFICER EX: Okay. Counsel.
2 WHEREUPON:
3 [REDACTED]
4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows:
6 DIRECT EXAMINATION
7 BY MS. GORSKE:
8 Q. [REDACTED] calling your attention to
9 September 16, 2018, at approximately 4:20 in the
10 afternoon, do you recall where you were?
11 A. Yeah, I was outside the entrance to my
12 building.
13 Q. And when you say your building, do you mean
14 where you reside?
15 A. Yes.
16 HEARING OFFICER EX: I'm sorry, what date was that
17 again?
18 THE WITNESS: It was 9-16-18.
19 HEARING OFFICER EX: Sorry. Go ahead.
20 BY MS. GORSKE:
21 Q. What address do you reside at?
22 A. [REDACTED]
23 Q. And is that a residence that's mid block or is
24 it a corner property?

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1 A. Yeah, it's a corner. Our entrance that I use
2 is actually on Illinois Street around the corner.
3 Q. So when -- what did you say you were doing at
4 4:20?
5 A. Taking out the trash.
6 Q. And you went out of the door on what side of
7 that building?
8 A. Illinois Street closer to the alleyway where
9 the dumpster is.
10 Q. And would that be approximately 180 Illinois?
11 A. Yeah, that's what I put in the GPS to get
12 closest.
13 Q. And then how far is the dumpster from that
14 door?
15 A. Probably 40 feet east of the alleyway.
16 Q. I'm showing you what's marked as -- and I'm
17 tendering a copy to counsel -- marked as City's Exhibit
18 --
19 HEARING OFFICER EX: You're up to 3.
20 MS. GORSKE: Well, those were demonstrative.
21 HEARING OFFICER EX: Okay. Well, we'll keep the
22 same numbers. Otherwise, it gets confusing.
23 MS. GORSKE: Okay. So we're up to 3, so -- this will
24 be 3.

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1 HEARING OFFICER EX: 3.
2 MS. GORSKE: Okay.
3 (City Exhibit No. 3 marked.)
4 HEARING OFFICER EX: Even though it's demonstrative,
5 it's easier to keep in that order.
6 BY MS. GORSKE:
7 Q. Do you recognize what you see in that photo?
8 A. Yeah, so you can see from the left, the corner
9 intersection and then all the way over on the right
10 side, that's our entrance.
11 Q. Is that your residence?
12 A. Yeah, so my residence is on the second floor
13 kind of between the corner and the entrance there.
14 Q. And this photo, is it facing on what street?
15 A. So this would be on Illinois Street.
16 Q. Okay. And if you would take the green marker
17 and show where the door is that you went out.
18 A. Just circle it?
19 Q. Yes.
20 A. (Complying).
21 MS. GORSKE: And I'm showing this to --
22 MS. GALLUCCI: And for the record, the witness has
23 circled the door on the bottom third far right double
24 doors with giant ovals on.

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1 MS. GORSKE: Tendering this to the Court.
2 HEARING OFFICER EX: This is a copy for me?
3 MS. GORSKE: Yes.
4 BY MS. GORSKE:
5 Q. And when you opened the door to your building
6 to go out to put out the garbage, what, if anything, did
7 you notice?
8 A. The music.
9 Q. What kind of music?
10 A. Primarily just like the "unce, unce, unce,"
11 more like electronic-ish type music, as I recall.
12 Q. And what was the level of that music?
13 A. Pretty loud. It was definitely very
14 noticeable. It was -- like what kind of scale, I guess.
15 Q. As compared to normal.
16 HEARING OFFICER EX: I'm sorry, could you repeat
17 that, sir. I didn't hear.
18 THE WITNESS: I said it was really loud. I guess it
19 depends on what kind of scale to compare it to for
20 reference.
21 BY MS. GORSKE:
22 Q. As compared to the street traffic at that
23 time?
24 A. Yeah. So it was definitely louder than the

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1 street traffic.
2 Q. Was it steady or intermittent?
3 A. I mean, it was steady music with like pulsing
4 bass, I guess, would be the best way to describe it.
5 Q. Were you alone at that time?
6 A. Yeah.
7 Q. How would you compare the sound of that bass
8 as to conversation?
9 MR. ZICCARDI: Objection to foundation.
10 HEARING OFFICER EX: Can you restate that.
11 BY MS. GORSKE:
12 Q. How would you compare the level of that sound
13 to conversation?
14 MS. GALLUCCI: One second. I don't want her
15 witnesses that are out there to hear her questions.
16 (Brief pause.)
17 HEARING OFFICER EX: Okay.
18 MS. GALLUCCI: What was the question? Can you
19 restate it?
20 BY MS. GORSKE:
21 Q. The level of that sound as compared to
22 conversation, normal conversation.
23 HEARING OFFICER EX: Well, if can you answer the
24 question. Step a little closer to the mic, if you

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1 would, [REDACTED]
2 MS. GALLUCCI: If we can just finish our objection.
3 HEARING OFFICER EX: There was an objection to
4 foundation. Did you want to argue any more?
5 MR. ZICCARDI: The objection is that there is no
6 foundation whatsoever. I mean, he is comparing --
7 HEARING OFFICER EX: Well, I mean, you can cross
8 him, but I want to hear -- let's rephrase the question.
9 Perhaps you can -- I'm not sure how you would have a
10 foundation for that. You're really asking for an
11 opinion. But go ahead. Let's see where we're at.
12 BY MS. GORSKE:
13 Q. The level of the sound, can you compare it to
14 anything else that you hear in the course of the day?
15 MS. GALLUCCI: Same objection.
16 HEARING OFFICER EX: Well, that's overruled. You
17 can cross him on how he would compare that. I think
18 that's really more of a cross-examination. Go ahead.
19 MS. GALLUCCI: Would you restate your question
20 again, Judy.
21 BY MS. GORSKE:
22 Q. So the level of the sound as compared to other
23 noises that you would hear in the daytime.
24 A. Yeah. So I think the way that I always think

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1 about this because the whole idea is how loud was the
2 music, right? The way that I always think about it is I
3 know how loud a car usually is when it goes by. I know
4 how loud people usually talk, right? So I can compare
5 the music that I heard when I walked out my door to cars
6 driving by.
7 MS. GALLUCCI: Same objection. It also calls for
8 speculation.
9 HEARING OFFICER EX: Well, I don't really think
10 that in a question like this you can lay a foundation
11 without doing what he is actually doing, saying what
12 other sounds are. What other foundation would you want
13 to hear?
14 MS. GALLUCCI: Who he was having a conversation
15 with. You know, he wasn't having a conversation.
16 HEARING OFFICER EX: No, he is testifying to what
17 this level was compared to --
18 MS. GALLUCCI: But he has to speculate whether or
19 not he was able to have a conversation.
20 HEARING OFFICER EX: Right. Well, but that's
21 subject to cross examination. So let's hear what he has
22 to say. You can cross him on that. Go ahead.
23 BY THE WITNESS:
24 A. Sure. So yeah, I can compare to it cars

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1 driving by. I was not having a conversation. So all I
2 can say is that I know how loud a conversation is like
3 we're having now. I know how loud a car is when it
4 drives past. This was substantially louder than both of
5 those.
6 BY MS. GORSKE:
7 Q. How is your hearing?
8 A. Fine. Normal.
9 Q. Where did this noise come from?
10 A. It came from the intersection. I know, in
11 this particular case I know that it was Bottled Blonde
12 because I have a corner unit. So I can actually hear
13 their music in my unit on a regular basis. But it's
14 obviously most apparent when I walk outside and I don't
15 have the windows to kind of protect me from the sound.
16 Q. How sure are you that it was Bottled Blonde in
17 this instance?
18 A. Positive.
19 Q. When you returned to your apartment, did you
20 hear noise?
21 A. Yes.
22 Q. What did you do as a result of hearing this
23 noise?
24 A. I mean, it's frankly so constant I didn't do

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1 anything. I have kind of given up on calling the police
2 because they don't really seem to have the ability to do
3 much.
4 Q. And did you communicate this information about
5 this noise on this particular day and time to other
6 individuals?
7 A. Yeah.
8 MR. ZICCARDI: Objection. Calls for hearsay.
9 HEARING OFFICER EX: I'm sorry?
10 MR. ZICCARDI: Calls for hearsay.
11 HEARING OFFICER EX: Well, she is only asking did
12 he communicate it. That's not -- it could be yes or no.
13 I don't know. Let's have him answer.
14 MS. GALLUCCI: But what he communicated is hearsay.
15 HEARING OFFICER EX: Let's hear what he -- no, not
16 necessarily. Go ahead.
17 BY MS. GORSKE:
18 Q. It's a yes or no question.
19 A. So yes, I communicated it.
20 Q. Thank you. Do you know approximately how far
21 the door of your building is to Bottled Blonde?
22 A. I actually looked on a map when this all
23 started like six months ago. And I guess it depends on
24 if you do it the way I would walk or if you do like a

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1 straight line, but it's, depending on that, somewhere
2 between like I think 110 and 140 feet was what I came up
3 with just using Google Maps, pretty easy.
4 Q. And just to clarify, do you know what
5 direction Wells runs?
6 A. North-south.
7 Q. And Illinois runs?
8 A. East-west.
9 Q. And your building is on what corner?
10 A. The northeast corner of the intersection.
11 Q. And Bottled Blonde is on what street?
12 A. So they're on Wells, 504 North Wells, I
13 believe.
14 Q. And do you know what cross streets are on
15 either side?
16 A. Yes, they're just north of Wells and Illinois,
17 just north of the intersection on the west side of the
18 street.
19 MS. GORSKE: Okay. Nothing further for this
20 witness.
21 HEARING OFFICER EX: Cross.
22 MR. ZICCARDI: Just briefly can we take a minute to
23 figure out who is going to do this cross?
24 HEARING OFFICER EX: I'm sorry?

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1 MR. ZICCARDI: Can we take a minute to figure out
2 who is going to --
3 HEARING OFFICER EX: Sure.
4 MR. ZICCARDI: -- do this cross exam?
5 (Brief pause.).
6 MR. ZICCARDI: Thanks, Judge.
7 HEARING OFFICER EX: Go ahead, Counsel.
8 (Respondent's Exhibit No. 3 marked.)
9 CROSS-EXAMINATION
10 BY MR. ZICCARDI:
11 Q. [REDACTED] I'm going to tender what we marked
12 as Respondent's Exhibit No. 3. Can you with that marker
13 that's on the desk circle where on that picture
14 specifically you were.
15 A. Sure. Same as the other one. This is a
16 better photo, though, much clearer (indicating).
17 MR. ZICCARDI: Judge, he circled the door, just so
18 --
19 HEARING OFFICER EX: So that's 3.
20 MR. ZICCARDI: Respondent's Exhibit 3.
21 HEARING OFFICER EX: Okay. So it's a circle of a,
22 looks like the only door on that side of the building.
23 Right?
24 THE WITNESS: Yeah, it is.

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1 MR. ZICCARDI: Yes.
2 THE WITNESS: Do you want me to also show you where
3 I walked? Is that --
4 HEARING OFFICER EX: Let counsel ask you questions,
5 [REDACTED]
6 THE WITNESS: Okay.
7 MS. GALLUCCI: Just for the record, it's just below
8 the middle of the page, the double doors with the tree
9 right in front of them that the witness circled.
10 HEARING OFFICER EX: That's the same as I indicated.
11 BY MR. ZICCARDI:
12 Q. And, sir, from the location you were at when
13 you heard the noise, you couldn't not see Bottled
14 Blonde; correct?
15 A. I couldn't not see Bottled Blonde?
16 Q. You could not see Bottled Blonde.
17 A. I could not see Bottled Blonde.
18 Q. Could not see Bottled Blonde. And you didn't
19 actually walk to the corner of Illinois and Wells Street
20 to verify that the sound was coming from Bottled Blonde;
21 correct?
22 A. Is this like the yes or no or do I respond?
23 Q. It was a yes or no question.
24 HEARING OFFICER EX: Hold on. Sir, if you can

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1 answer the question, feel free to answer it. If you
2 don't understand it, just tell counsel that you don't
3 understand the question.
4 BY THE WITNESS:
5 A. Okay. So I would say I didn't walk to the
6 corner to see if it was coming from Bottled Blonde
7 because I had just come from my unit where I could see
8 and hear that it was coming from Bottled Blonde.
9 BY MR. ZICCARDI:
10 Q. Well, you can't see sound; correct?
11 A. Correct, yes.
12 Q. And you live above Pepper Cannister or that's
13 in your building; is that correct?
14 A. No, that's not correct.
15 Q. Right next to your building?
16 A. It's two buildings -- Pepper Cannister is two
17 buildings north.
18 Q. Okay. But it's -- Pepper Cannister is on the
19 same side of the street as your building?
20 A. Yes, it is, absolutely.
21 Q. And it's closer to your unit than Bottled
22 Blonde is to your unit; correct?
23 A. Yeah, I guess because it's not across the
24 street, yes, it would have to be, yes.

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1 Q. And that's a bar? Pepper Cannister is a bar;
2 isn't that right?
3 A. I don't know what their license says, but I
4 would call it an Irish pub, a bar, yeah.
5 Q. They play music in the Pepper Cannister; isn't
6 that correct?
7 A. I think they do occasionally. I don't know
8 how frequently they do because candidly, I always hear
9 it from Bottled Blonde and I almost never hear it from
10 them unless I'm like -- I know they have at some point.
11 HEARING OFFICER EX: Does anybody here have a
12 matter from Room 106?
13 (No response.)
14 HEARING OFFICER EX: No? Okay.
15 THE WITNESS: So I'm quite certain that you would
16 have at some points because I have heard them playing
17 music as I have walked by before, but every time I have
18 heard the really loud music, which tends to be more
19 intense genres, I'll say, whenever I have walked by it's
20 always come from Bottled Blonde. And that's why in this
21 case you can tell if like if you talk to me from here
22 versus somebody talks to me from there, I can -- I can't
23 see the sound comes from you, but I can tell it's coming
24 from this way versus that way. So I would kind of say

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1 that's similar.
2 BY MR. ZICCARDI:
3 Q. All right. So you didn't have any equipment
4 with you to test the sound level; correct?
5 A. None.
6 Q. No decibel meter or anything like that?
7 A. Correct. None.
8 Q. And you didn't have any way to objectively
9 measure the sound on September 16th of 2018; correct?
10 A. I mean, I would say my ears are pretty
11 objective, but I didn't have any equipment.
12 Q. Well, it's subjective, right? There is no --
13 A. Yeah, yeah, I get what you're saying. It was
14 just my ears, yeah.
15 Q. And the fact that you weren't -- you were
16 alone, right, means you were not having conversation
17 with anyone; correct?
18 A. Correct.
19 Q. You didn't have to shout to the person next to
20 you; right?
21 A. If there was someone there, I would have had
22 to, but I did not because there was no one there.
23 Q. And you didn't actually measure the distance
24 from where you were standing to Bottled Blonde; correct?

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1 A. I did afterwards, not when I was taking out
2 the trash, no.
3 Q. I think you said you did that with Google
4 Maps, am I correct?
5 A. Yeah.
6 Q. So you didn't take a tape measure or one of
7 those walking sticks that actually allow you to measure
8 feet as you're walking; correct?
9 A. I don't have one of those walking sticks, so
10 no. I guess what I would say is I used the GPS, you
11 know, just like I think a lot of the surveys are done
12 using nowadays.
13 Q. You didn't actually report this complaint to
14 the police department that day; correct?
15 A. I do that very rarely now because it just
16 doesn't result in anything.
17 Q. Right. So that's no; correct?
18 A. That is a no, correct.
19 Q. And you had actually been in communications
20 with Ms. Gorske over some of these noise complaints;
21 correct?
22 A. Honestly, I'm not sure if that became -- if I
23 talked to Ms. Gorske before or after this. I would have
24 to look back through the e-mails. We have talked to a

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1 lot of people about Bottled Blonde. So that I will
2 admit I'm a little fuzzy on.
3 Q. Sure. And you learned where you needed to
4 stand in order for it to constitute a noise complaint, a
5 violation, from Ms. Gorske; correct?
6 A. No. I think that it says it in the noise
7 ordinance, that it -- you know, I'm trying to remember
8 here, but I'm pretty sure the noise ordinance says how
9 far away you have to be.
10 Q. You have actually read the ordinance itself?
11 A. Pieces of it, yeah. Unfortunately, I have
12 read a lot of ordinances.
13 Q. Did you -- you didn't report any claim of
14 excessive noise to anyone at Bottled Blonde on
15 September 16th; correct?
16 A. Why would I? I mean, we tried that for two and
17 a half years.
18 Q. But you didn't ask anybody that day to turn it
19 down; correct?
20 A. No, I did not. Last time I was there, one of
21 the reasons --
22 HEARING OFFICER EX: Sir, wait for a question.
23 THE WITNESS: Oh. Okay. I thought I was still
24 answering. Sorry.

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1 BY MR. ZICCARDI:
2 Q. I think it's clear from your testimony, but
3 correct me if I'm wrong. You would like to see Bottled
4 Blonde shut down; correct?
5 MS. GORSKE: Objection.
6 MR. ZICCARDI: It goes to bias.
7 HEARING OFFICER EX: I'll allow limited questions
8 as to credibility and bias. Go ahead.
9 BY THE WITNESS:
10 A. I would like to see them be a quiet good
11 neighbor. I actually would rather that they not be shut
12 down because I'm a business guy, so I actually want
13 businesses to come and stay in our neighborhood, stay in
14 Chicago. I think that's very important.
15 Frankly, I think all this is really, really
16 important because everybody has a fair shake. I think
17 that's key to a lot of things in our country. But I
18 would absolutely like Bottled Blonde to control their
19 patrons and to control their noise level. That I would
20 very much appreciate.
21 BY MR. ZICCARDI:
22 Q. You didn't record the sound you heard that
23 day; correct?
24 A. Did not, no.

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1 Q. And I think you said it was louder than street
2 traffic; correct?
3 A. Correct.
4 Q. But the River North area is a fairly congested
5 area; correct?
6 A. At times it's quite congested. At times it's
7 not overly congested. It depends on the time of day,
8 right. But it can be, yes.
9 Q. Well, at 4:20 in the afternoon, I mean, was
10 that a Saturday; correct?
11 A. Sunday, I think.
12 Q. Sunday?
13 A. Yeah.
14 Q. That's a fairly busy time in River North,
15 correct, in September?
16 A. I would say that's a moderately busy time,
17 nowhere near as busy as 10:00 o'clock to 2:15 Thursday,
18 Friday, and then 10:00 o'clock to 3:15 on Saturdays.
19 Q. And there is numerous other bars in the River
20 North area; correct?
21 A. Correct. There is many businesses in River
22 North, yes.
23 Q. Within a 2- or 3-block radius of Bottled
24 Blonde; right?

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1 A. There are other bars and restaurants, correct.
2 Q. And those bars play music as well; correct?
3 A. They do not play music like Bottled Blonde,
4 no.
5 Q. They play music; correct?
6 A. They play music.
7 MS. GORSKE: Objection. Asked and answered.
8 HEARING OFFICER EX: Overruled. Go ahead. I'm not
9 really sure that it's the same.
10 BY MR. ZICCARDI:
11 Q. Did you answer that question?
12 A. They play music, yes.
13 MR. ZICCARDI: I don't have anything further.
14 HEARING OFFICER EX: City have any redirect?
15 MS. GORSKE: Just one question.
16 REDIRECT EXAMINATION
17 BY MS. GORSKE:
18 Q. You indicated that there was another bar, not
19 Bottled Blonde, that was further down, and you said
20 well, they don't play the really loud intense genre that
21 you have heard from Bottled Blonde.
22 On this particular occasion, September 16th,
23 2018, at 4:30 approximately when you went out, was what
24 you heard what you have described as the really loud

<p>Page 86</p> <p>1 intense genre?</p> <p>2 A. Yes, it was the really loud intense genre that</p> <p>3 I could tell was coming from across the street, which I</p> <p>4 take to be from Bottled Blonde.</p> <p>5 MS. GORSKE: Nothing further.</p> <p>6 HEARING OFFICER EX: Anything else? Recross?</p> <p>7 RECROSS EXAMINATION</p> <p>8 BY MR. ZICCARDI:</p> <p>9 Q. You didn't go over there and verify that was</p> <p>10 sound coming from Bottled Blonde, did you?</p> <p>11 A. No, I didn't. Like I said, I put the trash in</p> <p>12 and went back to my unit.</p> <p>13 MR. ZICCARDI: Thanks. Nothing further.</p> <p>14 HEARING OFFICER EX: I have a question.</p> <p>15 THE WITNESS: Sure.</p> <p>16 HEARING OFFICER EX: When you say "loud genre,"</p> <p>17 what exactly are you referring to?</p> <p>18 THE WITNESS: Yeah. So the way that I kind of</p> <p>19 generally differentiate is the Pepper Cannister is an</p> <p>20 Irish pub, so it tends to have what I would call a</p> <p>21 little bit more relaxed as opposed to dance music. What</p> <p>22 usually I hear from Bottled Blonde is more like what I</p> <p>23 would call poppy, top hits or electronic like stuff that</p> <p>24 you would want to get up and dance to as opposed to like</p>	<p>Page 87</p> <p>1 sit and have a pint of Guinness.</p> <p>2 HEARING OFFICER EX: Is that in your view louder</p> <p>3 than --</p> <p>4 THE WITNESS: No.</p> <p>5 HEARING OFFICER EX: -- other music?</p> <p>6 THE WITNESS: I mean, it depends on loud they play</p> <p>7 it. I mean, I don't think any style of music makes it</p> <p>8 any loud or less loud. I just think it's a different</p> <p>9 genre, which allows me to understand where it was coming</p> <p>10 from. But the reality of it is I understood where it</p> <p>11 was coming from by hearing it was coming from across the</p> <p>12 street as opposed to up the street.</p> <p>13 HEARING OFFICER EX: Nothing else?</p> <p>14 MS. GORSKE: No.</p> <p>15 HEARING OFFICER EX: Respondents, do you want ask</p> <p>16 to anything else?</p> <p>17 FURTHER RECROSS EXAMINATION</p> <p>18 BY MR. ZICCARDI:</p> <p>19 Q. You don't know that anybody at Bottled Blonde</p> <p>20 was dancing at 4:20 in the afternoon on September 16th,</p> <p>21 2018?</p> <p>22 MS. GORSKE: Objection. Outside the scope and</p> <p>23 relevance.</p> <p>24 HEARING OFFICER EX: Well, I opened it somewhat, so</p>	<p>Page 88</p> <p>1 I'll let him answer that.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I have no idea what they were doing over</p> <p>4 there.</p> <p>5 MR. ZICCARDI: Thanks. Nothing further.</p> <p>6 HEARING OFFICER EX: Thank you.</p> <p>7 (Witness excused.)</p> <p>8 HEARING OFFICER EX: Let's take like a five-minute</p> <p>9 break, give the court reporter a break and counsels. So</p> <p>10 it's now 2:40. So like 2:45, something in that range.</p> <p>11 MS. GORSKE: This witness needs to return to work.</p> <p>12 Do you have any further questions for him? Does he need</p> <p>13 to stay?</p> <p>14 HEARING OFFICER EX: Well, he is finished --</p> <p>15 you're finished with this witness.</p> <p>16 MS. GALLUCCI: We're reserving our right to recall</p> <p>17 any of your witnesses until the FOIA investigation has</p> <p>18 -- until the AG has properly investigated our request.</p> <p>19 HEARING OFFICER EX: Well, that goes into the</p> <p>20 future, right?</p> <p>21 MS. GALLUCCI: Yeah. But for today, no.</p> <p>22 HEARING OFFICER EX: So you have no objection to [REDACTED]</p> <p>23 [REDACTED] being excused for today; right?</p> <p>24 MS. GALLUCCI: No.</p>	<p>Page 89</p> <p>1 MS. GORSKE: Thanks for coming.</p> <p>2 HEARING OFFICER EX: All right. Five minutes.</p> <p>3 Thank you.</p> <p>4 (A short recess was had.)</p> <p>5 HEARING OFFICER EX: Back on the record on 18 CP</p> <p>6 388A, Bottled Blonde.</p> <p>7 MS. GALLUCCI: I just have one housekeeping issue.</p> <p>8 I would like to know who the gentleman is that's</p> <p>9 assisting you today.</p> <p>10 MS. GORSKE: I don't understand what purpose.</p> <p>11 HEARING OFFICER EX: I would like to know if this</p> <p>12 is an attorney, who seems to be assisting you throughout</p> <p>13 the proceedings. I would like to know if this is an</p> <p>14 attorney that's working with the City.</p> <p>15 MS. GORSKE: I will leave it up to this individual.</p> <p>16 MS. GALLUCCI: So the reason I'm asking whether or</p> <p>17 not he is an attorney is because while we were on break,</p> <p>18 he was having a conversation where he was instructing</p> <p>19 her that although she could not have -- even though the</p> <p>20 witnesses were excluded, the transcript could be sent --</p> <p>21 MS. GORSKE: Objection.</p> <p>22 MS. GALLUCCI: It's an objection to what? I'm</p> <p>23 objecting. I'm objecting to the fact that you were told</p> <p>24 you could send --</p>
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<p>1 HEARING OFFICER EX: Ms. Gallucci, address your 2 comments to me. 3 MS. GALLUCCI: She was told by this gentleman who is 4 sitting here that she could send a transcript to the 5 witnesses, which would certainly circumvent our ability 6 to have our motion, which you granted, for exclusion if 7 she is sending transcripts to the other witnesses about 8 what happened here today. 9 MR. DORAN: Your Honor, Tom Doran, Chief Assistant 10 Corporation Counsel. That is absolutely false. That's 11 what happens when you eavesdrop. 12 I'll tell you exactly what I told Ms. Gorske. 13 I said if this matter is continued, the witnesses are 14 still under the motion to exclude. They cannot discuss 15 their testimony either with you or with one another. 16 I did tell Ms. Gorske that she could order a 17 transcript of the proceedings and review it herself. I 18 never said, and would never say, to send it to the 19 witness. So I would ask for an apology from whatever 20 her name is. 21 HEARING OFFICER EX: Ms. Gallucci. 22 MR. DORAN: Ms. Gallucci. 23 HEARING OFFICER EX: All right. I think that 24 resolves your question, so let's move on. Next witness.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
Page 91	Page 93
<p>1 MS. GALLUCCI: I don't want you to be offended. I 2 overheard part of the conversation, not the entirety of 3 the conversation. If this is your representation to the 4 Court as an officer of the Court, I will take you at 5 your word. And if an apology is owed, then yes, I 6 apologize. But I did believe that that's what you had 7 said. 8 HEARING OFFICER EX: Okay. 9 MS. GALLUCCI: But I could only hear part of it. 10 MR. DORAN: I did not say that. And I do accept 11 your apology. 12 HEARING OFFICER EX: Okay. Let's move on. 13 MS. GALLUCCI: I just don't want any animosity. 14 HEARING OFFICER EX: Two more witnesses, I think? 15 MS. GORSKE: Yes. 16 HEARING OFFICER EX: Okay. Sir, come up to the 17 podium. I'll ask you to stand next to the City attorney 18 and raise your right hand. 19 (Witness sworn.) 20 HEARING OFFICER EX: Okay. Do you want to state 21 your name for the record, sir. 22 THE WITNESS: [REDACTED] 23 HEARING OFFICER EX: [REDACTED] 24 THE WITNESS: [REDACTED]</p>	<p>1 WHEREUPON: 2 [REDACTED] 3 called as a witness herein, having been first duly 4 sworn, was examined and testified as follows: 5 DIRECT EXAMINATION 6 BY MS. GORSKE: 7 Q. Calling your attention to October 26, 2018, at 8 about 8:30 p.m., do you recall where you were? 9 A. Yes. I was in the River North area coming 10 back to my residence from an evening walk. 11 Q. And where is your residence located? 12 A. I'm at the [REDACTED] of [REDACTED] and 13 [REDACTED] 14 Q. And is that a house or a condo? 15 A. It's a condo. 16 Q. And you were coming back from doing what? 17 A. From a walk. 18 Q. Were you alone or with someone? 19 A. I was with my wife. 20 Q. What street were you walking down? 21 A. Well, we were probably down by the River Walk, 22 but on the way back. That evening I was coming straight 23 down Grand. 24 Q. Which direction?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Toward Wells, so that would be coming west 2 toward Wells on Grand. 3 Q. Coming westbound towards Wells. Did you 4 notice anything while you were walking? 5 A. As we got past the LaSalle intersection, 6 could hear noise, but at that time did not know exactly 7 where the noise was coming from. 8 Q. Did you keep walking? 9 A. Yes, because we were just walking back to our 10 home. 11 Q. Did the noise get softer or louder as you 12 walked? 13 A. It got louder. 14 Q. Did you reach Wells? 15 A. Oh, yes. 16 Q. And were you walking on the north side or the 17 south side of the street? 18 A. I was walking on the north side of the street. 19 Q. And do you know what businesses, if any, are 20 on the northeast side of Grand and Wells? 21 A. Yes, that's a restaurant, GT Oyster. 22 Q. Did you reach that location? 23 A. Yes. 24 Q. And what did you -- did you notice any sound</p>	<p style="text-align: right;">Page 95</p> <p>1 when you were at that point? 2 A. Yeah, by the time we got there actually, you 3 know, the noise was so loud that to continue a 4 conversation with my wife we had to elevate our speech. 5 Q. This noise, was it spoken word? Was it music? 6 Was it something else? 7 A. It was all those things. So there was music, 8 it was noise from outside the Bottled Blonde on the 9 street level, and it was, you know, just a lot of people 10 gathered combined with noise coming out of the 11 establishment. 12 Q. As to the music, was it amplified or acoustic? 13 A. I don't recall. 14 Q. And was it intermittent or steady? 15 A. Oh, it was steady. 16 Q. How is your hearing? 17 A. My hearing is good. I go to the doctor to get 18 it tested once a year. So last time everything was 19 okay. 20 Q. And you indicated you were having a 21 conversation with your wife? 22 A. Yes. 23 Q. Were you able to conduct that conversation 24 successfully?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. We could conduct it, but not without raising 2 our speech level. 3 Q. And do you know where this music came from or 4 noise? 5 A. It came from Bottled Blonde. 6 Q. How do you know that? 7 A. Because that's where all the activity was. 8 That's where the noise was coming from. So at that 9 point I would have been north and east of the 10 establishment, so that was the direction of the noise. 11 And I did not see any other activity that would have 12 created the noise elsewhere than Bottled Blonde. 13 Q. Is Bottled Blonde at 504 Wells? 14 A. Yes. 15 Q. Middle of the block or end of the block? 16 A. Pretty much in the middle of the block. 17 Q. And what did you do as a result of listening 18 to this music? 19 A. I don't know if I called 911 or not, but we 20 certainly did follow up with the City either that 21 evening or shortly, beginning of the next week. 22 Q. And how does this sound compare in your 23 estimation to other sounds that a person hears in the 24 normal course of the day?</p> <p style="text-align: right;">Page 97</p> <p>1 MR. ZICCARDI: Objection. Foundation. 2 HEARING OFFICER EX: Sustained. Can you narrow 3 that down, Ms. Gorske. 4 BY MS. GORSKE: 5 Q. How did the sound compare as to a motorcycle? 6 A. Very different. I can distinguish the noise 7 coming from a motorcycle than what was coming from 8 Bottled Blonde that night. 9 Q. When you were standing at the corner, the 10 northeast corner, was it louder than a motorcycle or 11 softer than a motorcycle? 12 A. Well, they're two different kinds of sounds, 13 but it was, it was obviously more sustained than a 14 motorcycle. And it -- I can't say if it was louder or 15 if it was not louder, but it was definitely a different 16 sound than a motorcycle. 17 Q. As compared to normal street traffic at that 18 time, was it louder? 19 A. Much louder, yes. 20 MS. GORSKE: Nothing further from this witness. 21 HEARING OFFICER EX: Cross. Do you need time to 22 -- 23 MS. GALLUCCI: No. 24 CROSS-EXAMINATION</p>
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1 BY MR. ZICCARDI:
2 Q. [REDACTED] I'm going to ask you to take a
3 look at Respondent's Exhibit No. 1 that was marked
4 previously. And can you indicate on that picture -- I
5 believe there is a marker here somewhere -- where
6 exactly you were when you heard the noise that you're
7 complaining of?
8 A. Well, I heard the noise immediately before I
9 got to the northeast corner. But I did -- we did
10 distinctly stop, you know, right before the corner. So
11 if you want me to mark it, it would be somewhere just in
12 this area by this lamppost.
13 HEARING OFFICER EX: All right. So indicating,
14 where did you -- can I see that?
15 MR. ZICCARDI: So for the record, there is a --
16 there is a lamppost that has a one-way sign on it. And
17 the light is green in this picture. So it's hard to
18 see, he put the X at the --
19 HEARING OFFICER EX: Let's do that, [REDACTED]
20 let's put your initials on that where the X is so we
21 know who did that.
22 THE WITNESS: (Complying.)
23 HEARING OFFICER EX: Did you put your initials on
24 that?

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1 THE WITNESS: I did.
2 HEARING OFFICER EX: And that's Respondent's 1?
3 MR. ZICCARDI: That's Respondent's No. 1. So he has
4 initialed...
5 HEARING OFFICER EX: [REDACTED] that's your initials?
6 THE WITNESS: Yes. I go by [REDACTED] but my
7 given name is [REDACTED]
8 HEARING OFFICER EX: Okay. Well, you would know
9 better than me. Perfect. That stays there.
10 BY MR. ZICCARDI:
11 Q. You didn't walk over to Bottled Blonde to
12 confirm that that's exactly where the sound was coming
13 from, correct?
14 A. No, I believe that we walked up and down the
15 block and that, you know, confirmed -- I didn't need to
16 do that, but we did go up and down the block just to see
17 what was going on at Bottled Blonde. And that's where
18 the noise was coming from.
19 Q. You didn't ask anybody at Bottled Blonde to
20 turn it down, did you?
21 A. I have many times. I didn't know if I did on
22 that occasion or not.
23 Q. You don't recall on that particular day one
24 way or the other?

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1 A. I don't.
2 Q. Did you call the police, Chicago police that
3 day on October 28, 2018?
4 A. I testified prior I'm not sure if we called
5 911 or if I called the City the next day or that day. I
6 did contact the City sometime shortly after that.
7 Q. And when you say you contacted the City, are
8 you referring to Ms. Gorske, the City attorney?
9 A. We did talk to somebody in the City attorney's
10 office.
11 Q. Do you know specifically who?
12 A. I don't know, and maybe an e-mail.
13 Q. Was it actually a phone conversation that you
14 had with somebody?
15 A. No.
16 Q. It was an e-mail communication?
17 A. Most likely it was an e-mail.
18 Q. You believe it was either that day, October
19 28, 2018, or shortly thereafter?
20 A. Yes.
21 Q. Would you say it was only two days thereafter?
22 A. Most likely, yes.
23 Q. Do you specifically -- strike that.
24 Did you actually speak with the City attorney

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1 in response or after the e-mail that you had sent?
2 A. I don't believe I spoke with anybody, no.
3 Q. You didn't have any sound measuring equipment
4 with you that night on October 28th, correct?
5 A. I did not.
6 Q. And you didn't have any objective way to
7 measure the sound that you heard that night, correct?
8 A. Objective way was I had to elevate my voice to
9 have a conversation with my wife, who I was walking next
10 to.
11 Q. But you didn't have any testing equipment,
12 correct?
13 A. No, I don't walk around with testing
14 equipment.
15 Q. And you didn't record what you were hearing
16 that night, correct?
17 A. I did not.
18 Q. There is a lot of noise in the River North
19 area, isn't that correct?
20 A. I wouldn't say so, no.
21 Q. There is a number of bars --
22 A. Not on a Sunday night at 8:30.
23 Q. There is a number of bars in the area,
24 correct?

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1 A. There are some bars in the area.
2 Q. In fact, you were at the corner of Grand and
3 Wells Street, correct? And that's just down the street
4 from O'Leary's; isn't that correct?
5 A. There was no noise coming from O'Leary's.
6 Q. You didn't walk down to O'Leary's, did you?
7 A. I may have, I don't know, but there was no
8 noise coming from -- the noise was coming from Bottled
9 Blonde, period.
10 Q. So do you think that you have now walked north
11 on Wells Street to go down to O'Leary's to check and
12 maybe sure the noise wasn't coming from there?
13 A. I didn't say that I walked north on Wells. I
14 said that I may have, but there was no noise coming from
15 the north side of the street.
16 Q. So if you didn't walk down there, how do you
17 know that there was no noise coming from O'Leary's?
18 A. Because I would have heard it. The noise was
19 coming from the south. The noise was coming from
20 Bottled Blonde. There was no other noise coming from
21 any other establishment that was making that kind of a
22 racket that night. So unless you were deaf, you would
23 have come to the same conclusion. It was coming from
24 Bottled Blonde, period.

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1 Q. Okay. The Pepper Cannister is right across the
2 street from --
3 A. There was no noise coming from Pepper
4 Cannister.
5 Q. Sir, may I finish my question, please.
6 HEARING OFFICER EX: You have to let him ask.
7 BY MR. ZICCARDI:
8 Q. Pepper Cannister is right across the street;
9 isn't that correct?
10 A. Yes.
11 Q. And is it your testimony that there was no
12 noise from Pepper Cannister that evening as well?
13 A. That's my testimony.
14 Q. Did you walk to Pepper Cannister that night?
15 A. We did walk past Pepper Cannister. And we
16 walked back up past Bottled Blonde. I don't recall any
17 noise from Pepper Cannister. There was lots of noise
18 from Bottled Blonde.
19 Q. You didn't measure the distance that you were
20 from Bottled Blonde at the time you heard the noise;
21 correct?
22 A. I did not.
23 Q. You didn't do it subsequently; correct?
24 A. I did not.

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1 Q. You don't know if you were a hundred feet away
2 or 50 feet away; right?
3 A. It looked like about half the distance of a
4 football field. If that's 50 yards, that's 150 feet.
5 But that's not scientific.
6 Q. It's a total guess; correct?
7 A. It's not a total guess. I would say it would
8 be in the ballpark of about half a distance of a
9 football field.
10 Q. You have called the police, Chicago police, on
11 Bottled Blonde numerous times; isn't that correct?
12 A. A few times.
13 Q. What's a few? More than five?
14 A. Probably half a dozen.
15 Q. And you -- you would like to see Bottled
16 Blonde shut down; isn't that correct?
17 MS. GORSKE: Objection.
18 MR. ZICCARDI: Same reason, Judge. This goes to
19 bias.
20 HEARING OFFICER EX: Well, I have allowed that type
21 of question a few times, but keep it limited to just any
22 evidence of bias.
23 BY THE WITNESS:
24 A. I'd like -- I was hoping that after four years

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1 that Bottled Blonde would abide by their plan of
2 operation. I would like Bottled Blonde to abide by
3 their plan of operation, which they consistently been
4 unable to do.
5 So if they cannot operate by their plan of
6 operation, I want them shut down, but I don't want them
7 shut down just for the sake of shutting them down.
8 BY MR. ZICCARDI:
9 Q. Well, you're consistently looking for various
10 violations with which to report Bottled Blonde; isn't
11 that correct?
12 MS. GORSKE: Objection.
13 HEARING OFFICER EX: Sustained.
14 BY MR. ZICCARDI:
15 Q. You would do anything to see Bottled Blonde
16 closed; right?
17 MS. GORSKE: Objection;
18 HEARING OFFICER EX: Same ruling.
19 BY MR. ZICCARDI:
20 Q. [REDACTED] that October 28th, that was a
21 Sunday; correct?
22 A. Yes, it was a Sunday.
23 Q. And that was the weekend before Halloween;
24 correct?

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1 A. Yes, it would have been.
2 Q. So that's normally a busy time in the River
3 North area; isn't that correct?
4 A. Not necessarily a Sunday three days before
5 Halloween, I would say no, not necessarily.
6 Q. The -- isn't there a lot of activity in the
7 River North area on that pre Halloween weekend?
8 A. Typically on Fridays and Saturdays more so,
9 not on a Sunday evening.
10 Q. Are you familiar with Ironside Bar & Deli at
11 546 North Wells?
12 MS. GORSKE: Objection. Relevance.
13 HEARING OFFICER EX: I don't know. What's -- where
14 are you going?
15 MR. ZICCARDI: That's another establishment in the
16 area a few doors away.
17 HEARING OFFICER EX: I'll allow you to inquire. I
18 don't know if it has any relevance, but you can answer.
19 BY THE WITNESS:
20 A. I have not been inside it, but I know it's
21 there.
22 BY MR. ZICCARDI:
23 Q. It's just north of the corner of Grand and
24 Wells where you heard this noise; correct?

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1 A. It's about one block north, correct.
2 Q. It's on that block immediately north of --
3 A. Yes.
4 Q. North of Grand, right?
5 A. It would be north, north -- on Wells north of
6 Grand, yes.
7 Q. But before the next street. I'm not sure what
8 that next street is, but before --
9 A. Before Ohio.
10 Q. Right. It's on the west side of the street;
11 correct?
12 A. Yes.
13 Q. There is a bar and music there; is that
14 correct?
15 A. I think it operates more as a restaurant. I
16 have never had a problem with that establishment at all.
17 Q. But you have never been there, you don't know?
18 A. Pardon me?
19 Q. Have you ever been there?
20 A. I have walked by, but I have not been inside
21 it. It's my understanding, though, that it's a
22 restaurant, but if it's a bar, I have not heard any
23 noise coming from that establishment.
24 Q. Sure. So it's only Bottled Blonde which you

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1 have the issue with; is that your testimony?
2 MS. GORSKE: Objection. Argumentative.
3 HEARING OFFICER EX: Sustained.
4 BY MR. ZICCARDI:
5 Q. You had testified that you had to elevate your
6 speech, correct?
7 A. Excuse me?
8 Q. You testified you had to elevate your speech
9 in your discussion, your conversation you had with your
10 wife?
11 A. Yes.
12 Q. And I think you said there were a bunch of
13 people on the street gathered; correct?
14 A. Outside the Bottled Blonde.
15 Q. So --
16 A. Not on the corner of Wells and Grand.
17 Q. Right. So you don't have any ability to
18 distinguish the noise generated by those people that
19 were out on the street, do you?
20 A. There was nobody standing next to us. We were
21 by ourselves.
22 Q. The people that were on the street in front of
23 Bottled Blonde were making noise; correct?
24 A. Yes.

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1 Q. They weren't standing there silently; right?
2 A. Yes.
3 Q. So you can't differentiate between the noise
4 of the crowd or the people gathered in front of Bottled
5 Blonde versus the noise that may have been coming from
6 inside Bottled Blonde?
7 A. You can differentiate. You know what the
8 music sounds like, and you know what street noise sounds
9 like. So they were both loud.
10 Q. But it all contributed to the noise you were
11 hearing; correct?
12 A. Correct.
13 Q. And you don't have any way to determine the
14 level of the noise specifically from Bottled Blonde as
15 opposed to the noise from any other source; correct?
16 A. I didn't see anything else going on on that
17 street that night at 8:30 on a Sunday evening except for
18 from Bottled Blonde. There was no other activity except
19 from what was going on at Bottled Blonde.
20 Q. Sir, have you ever threatened Bottled Blonde
21 with the shutdown of its operations?
22 MS. GORSKE: Objection.
23 HEARING OFFICER EX: I'll allow that.
24 BY THE WITNESS:

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1 A. Excuse me?
2 HEARING OFFICER EX: Go ahead. You can answer.
3 BY THE WITNESS:
4 A. Not that I can recall. Again, we have been
5 working with the City of Chicago to have Bottled Blonde
6 work within their plan of operation. So in that
7 context, yes, if you use the word "threatened Bottled
8 Blonde," no, I don't recall.
9 BY MR. ZICCARDI:
10 Q. Sir, we have got a video here I want you to
11 view, and I'm going to ask you a question or two after
12 that. I'm not sure of the best way --
13 HEARING OFFICER EX: Well, we're going to have to
14 come up here with that if you're going to show a video.
15 MR. ZICCARDI: It's not working. How do you want
16 me to do this?
17 (Attorneys Ziccardi and Gallucci
18 conversing sotto voce.)
19 (Brief pause.)
20 MR. ZICCARDI: I can just use my phone. How do you
21 want me to do this?
22 HEARING OFFICER EX: Well, I need to be able to put
23 this on the record in a way that the record is clear as
24 to what it is that you're showing because we can't keep

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1 this video. I can't take your phone.
2 MS. GALLUCCI: Is this as big as it is?
3 MR. ZICCARDI: That's as big as it's going to get.
4 MS. GORSKE: May I view the video with counsel
5 before we see it?
6 HEARING OFFICER EX: Sure. Why don't you go ahead
7 and do that and make sure --
8 MS. GALLUCCI: Well, here, we'll view it together
9 here.
10 HEARING OFFICER EX: Why don't you go in there and
11 do it and then you come back out. Okay? Make sure it's
12 -- whatever it is that you want to show the witness.
13 Have a seat, sir, until they come back.
14 (Brief recess taken.)
15 MS. GALLUCCI: Okay.
16 HEARING OFFICER EX: Let's have [REDACTED] come
17 on up. Ms. Gorske, you want to come up here too. Let's
18 see, I want this on the record so let me stand over
19 here. Ms. Gallucci, right here.
20 MS. GALLUCCI: Sure.
21 HEARING OFFICER EX: Let's have the witness stand
22 over here so he can see.
23 So the record is clear what is this, Ms.
24 Gallucci, you're showing?

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1 MS. GALLUCCI: That is a video of [REDACTED]
2 threatening our client.
3 HEARING OFFICER EX: Okay. And who took this
4 video?
5 MS. GALLUCCI: Our manager, Eric Brown.
6 HEARING OFFICER EX: Okay. And when was that
7 taken?
8 MS. GALLUCCI: It was taken in 2017 -- 2018.
9 MR. ZICCARDI: June.
10 MS. GALLUCCI: June of 2018. June of 2018.
11 HEARING OFFICER EX: Go ahead.
12 (Video played.)
13 MS. GORSKE: Is there a face that goes with that
14 voice in the video.
15 MS. GALLUCCI: There is the face. That's from the
16 inside.
17 HEARING OFFICER EX: You have shown the video.
18 MR. ZICCARDI: I would like to ask him a couple
19 questions.
20 HEARING OFFICER EX: All right. Let's have
21 everybody step back to where they were. The record will
22 reflect that the Respondent has shown a video
23 approximately 30 seconds or so. And, Counsel, you have
24 questions regarding that to [REDACTED]

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1 MR. ZICCARDI: Sure. Thank you.
2 BY MR. ZICCARDI:
3 Q. [REDACTED] you just saw the video;
4 correct?
5 A. Yes.
6 Q. Was that your voice on the video?
7 A. Yes.
8 Q. And that was the statements made by the,
9 sounded like the individual with the raised voice, that
10 was you, correct?
11 A. I believe so.
12 MR. ZICCARDI: I don't have anything further.
13 Thank you.
14 HEARING OFFICER EX: Redirect.
15 REDIRECT EXAMINATION
16 BY MS. GORSKE:
17 Q: [REDACTED] returning to the noise, you
18 indicated that there were people milling about in front
19 of Bottled Blonde. And you also said there was music.
20 You said there was music, there was noise, it was, you
21 know, it was all together.
22 If you can differentiate and split out, if you
23 can, the music from the people milling around, can you
24 describe what the music sounded like?

<p style="text-align: right;">Page 114</p> <p>1 A. The music sounded like heavy bass, the music 2 sounded -- it was very consistent. It wasn't like it 3 came in an interval and then stopped and came back in an 4 interval and -- you know, clearly, it was noticeable not 5 only from the corner that I was standing on where I put 6 the X on the photo, but even before we got to that 7 point. 8 Q. Do you know what type of music it was? 9 A. I couldn't tell you exactly what type of music 10 it was. 11 Q. Was it Irish music? 12 A. No. 13 Q. Was it a little flute? 14 A. No, no. It was loud music. 15 Q. You could -- 16 A. It was loud music. 17 HEARING OFFICER EX: Wait for a question, sir. 18 BY MS. GORSKE: 19 Q. Like an orchestra? Like wedding music? Like 20 a lullaby? 21 A. None of those. 22 Q. Was it a single guitar playing? 23 A. There was definitely guitar noise, bass. 24 Whether it was single or multiple, I don't recall.</p>	<p style="text-align: right;">Page 116</p> <p>1 something that was extending the noise beyond what the 2 instrument would normally sound like. 3 MS. GORSKE: Nothing further. 4 HEARING OFFICER EX: Anything else from the 5 Respondent? 6 RECROSS EXAMINATION 7 BY MR. ZICCARDI: 8 Q. Sir, that video occurred right in front of 9 Bottled Blonde; correct? 10 MS. GORSKE: Objection. 11 HEARING OFFICER EX: What's the objection? 12 MS. GORSKE: Beyond the scope of redirect. 13 HEARING OFFICER EX: Right. It is beyond the 14 scope. 15 MS. GALLUCCI: It goes right to her amplification 16 of the music, her talking about whether it was digital 17 or not. 18 HEARING OFFICER EX: Your question was? 19 MR. ZICCARDI: It was right in front of Bottled 20 Blonde. 21 HEARING OFFICER EX: Did he threaten? 22 MS. GALLUCCI: No. 23 MR. ZICCARDI: The video occurred, where that 24 occurred was right in front of Bottled Blonde.</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. And do you believe it was electronic? 2 A. Yes. 3 Q. Do you believe there were amplifiers? 4 MS. GALLUCCI: Objection. Asked and answered. The 5 witness has already stated that he did not know if the 6 music was amplified. It was during his direct 7 examination. He says he did not recall if the noise was 8 acoustic or amplified. 9 HEARING OFFICER EX: He does not recall if it was 10 amplified or acoustic. And what was the question, Ms. 11 Gorske? 12 MS. GALLUCCI: She asked if it was amplified. 13 HEARING OFFICER EX: Let her answer. 14 THE WITNESS: I think it was amplified. 15 HEARING OFFICER EX: So I'll sustain it. Do you 16 want to ask him another question that's not the same as 17 before? 18 BY MS. GORSKE: 19 Q. And when you say "electronic," what did you 20 mean by that, if you can be more specific. If not, 21 that's fine. 22 A. You know, it wasn't a banjo picker. It wasn't 23 a guitar that was just being played on its own. So in 24 that regard it was electronic in terms of it was</p>	<p style="text-align: right;">Page 117</p> <p>1 HEARING OFFICER EX: Go ahead if you can answer 2 that. 3 BY THE WITNESS: 4 A. Where the video that you just -- yes, it was 5 right in front of Bottled Blonde. 6 BY MR. ZICCARDI: 7 Q. And you didn't hear any music in the video, in 8 the background of the video, did you? 9 MS. GORSKE: Objection. Relevance. The video is 10 not from this particular date. 11 HEARING OFFICER EX: Right. Right. 12 MS. GALLUCCI: It's directly relevant that you 13 can't hear Bottled Blonde's music right outside their 14 front door. 15 HEARING OFFICER EX: No. Sustained. That's a 16 different date, not that same date. So that is not 17 relevant to this instance on October 28th, is it? 18 MS. GALLUCCI: It is because they have put systems 19 in place where their music cannot be amplified over a 20 certain volume. You can't hear the music outside of 21 Bottled Blonde when you're standing outside of Bottled 22 Blonde. You couldn't possibly hear it from a hundred 23 feet away. That's our whole case. 24 HEARING OFFICER EX: That's not October 28th of 2018</p>

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1 though.
2 MS. GALLUCCI: The same system has been in place the
3 entire time.
4 HEARING OFFICER EX: Well, if the Respondent wants
5 to present evidence in their case in chief, you can do
6 that, but there is not a basis to ask him about that
7 video.
8 MS. GALLUCCI: Well, he can just answer the
9 question that you can't hear it.
10 HEARING OFFICER EX: That's why I sustaining the
11 question because he can't answer that question. It has
12 nothing to do with this date. It's a totally different
13 date. So it's not relevant.
14 MS. GALLUCCI: But when we played the video, he
15 could hear or not hear it on the video. He was having a
16 conversation.
17 HEARING OFFICER EX: But it's not the date of the
18 incident.
19 MS. GALLUCCI: Sure. Sure. We would like the
20 ability to call him back during our case in chief then.
21 HEARING OFFICER EX: Well, we will reserve that,
22 but I'm going to sustain the objection at this point.
23 MS. GORSKE: Nothing further with this witness.
24 HEARING OFFICER EX: Thank you, sir.

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1 MS. GALLUCCI: Can we confirm that he will be
2 available as an adverse witness for us?
3 HEARING OFFICER EX: How do you want to do that?
4 MS. GALLUCCI: If necessary get a subpoena.
5 HEARING OFFICER EX: Well, if at the time that you
6 present your case --
7 MS. GALLUCCI: Yeah.
8 HEARING OFFICER EX: -- if there is a reason to
9 indicate at other dates that it's such that you need to
10 call a witness who has already testified, I'll consider
11 it at the time. It depends on what the state of the
12 evidence is at that point.
13 MS. GALLUCCI: Okay.
14 HEARING OFFICER EX: Thank you, sir.
15 MS. GORSKE: Is [REDACTED] free to leave then
16 for today?
17 HEARING OFFICER EX: As far as I'm concerned. You
18 don't need him to wait, do you?
19 MS. GALLUCCI: Can we just give a further
20 instruction that he still is under the --
21 HEARING OFFICER EX: You understand you don't talk
22 about this case.
23 MS. GALLUCCI: One of the other witnesses is his
24 wife.

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1 HEARING OFFICER EX: I don't know if she -- is she a
2 witness?
3 MS. GORSKE: No.
4 MS. GALLUCCI: She was listed as a witness on the
5 list that was sent to us.
6 HEARING OFFICER EX: Do you intend to call her?
7 MS. GORSKE: No, I do not intend to call her.
8 HEARING OFFICER EX: Do you?
9 MS. GALLUCCI: Possibly. She was with him in the
10 video.
11 HEARING OFFICER EX: To be safe, don't discuss it
12 with your wife then. Okay?
13 THE WITNESS: All right.
14 MS. GORSKE: She is not a witness that the City is
15 calling in this case.
16 HEARING OFFICER EX: Well, it's theoretically
17 possible they could do that in their case in chief, so
18 we will just be safe.
19 (Witness excused.)
20 MS. GORSKE: And the City will call its last
21 witness.
22 HEARING OFFICER EX: I'm sorry?
23 MS. GORSKE: The City will call its last witness.
24 HEARING OFFICER EX: Right. Sir, come up to the

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1 podium, please. What is your name, sir?
2 THE WITNESS: Miguel Campos.
3 HEARING OFFICER EX: C A M P O S?
4 THE WITNESS: That is correct.
5 HEARING OFFICER EX: Raise your right hand, Mr.
6 Campos.
7 (Witness sworn.)
8 HEARING OFFICER EX: City.
9 WHEREUPON:
10 MIGUEL CAMPOS,
11 called as a witness herein, having been first duly
12 sworn, was examined and testified as follows:
13 DIRECT EXAMINATION
14 BY MS. GORSKE:
15 Q. Mr. Campos, who are you employed by?
16 A. I work for the City of Chicago Department of
17 Business Affairs and Consumer Protection.
18 Q. How long have you worked for the City?
19 A. It will be 12 years this coming Thursday.
20 Q. Were you always working for Business Affairs
21 and Consumer Protection?
22 A. Yes, ma'am.
23 Q. What is your title?
24 A. I am currently a supervisor of business

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1 compliance and enforcement investigations.
2 Q. And among your responsibilities, do you do
3 measurements?
4 A. Yes.
5 Q. Frequently?
6 A. Yes.
7 Q. And I'm going to tender to you -- bear with
8 me.
9 HEARING OFFICER EX: Take your time.
10 (City's Exhibits Nos. 4, 5, 6, and 7
11 marked.)
12 MS. GORSKE: So we are on No. 4. 4, 5, 6, 7. I'm
13 tendering to opposing counsel City's Exhibits 4, 5, 6,
14 and 7.
15 HEARING OFFICER EX: Would you like time to review
16 those?
17 MS. GALLUCCI: Yes, just one second.
18 City's Exhibit 4 purports to be the intersection of
19 Roosevelt and Western. So I fail to understand the
20 relevance of this exhibit.
21 HEARING OFFICER EX: Well, I don't know until
22 counsel asks about it.
23 MS. GORSKE: It will become clear.
24 MS. GALLUCCI: That's 4 and 5. 6 and 7 seem to be

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1 the same. Okay.
2 HEARING OFFICER EX: Are 4, 5, 6 and 7 all photos?
3 MS. GALLUCCI: They're --
4 MS. GORSKE: Four is a photo. 5 is a diagram. 6
5 and 7 are -- 6 is a diagram. 7 is a photo.
6 HEARING OFFICER EX: 5 is a diagram. 6 is a
7 diagram?
8 MS. GORSKE: Yes.
9 HEARING OFFICER EX: 7 is a photo.
10 MS. GORSKE: Yes.
11 HEARING OFFICER EX: Okay.
12 BY MS. GORSKE:
13 Q. Mr. Campos, do you recognize what you see in
14 these four photos?
15 A. Yes.
16 Q. And these four photos all refer to a
17 particular location, do they not?
18 A. Correct.
19 Q. What is that location?
20 A. Location is 2350 West Ogden, which is a
21 satellite office for the department for which I work.
22 Q. Okay. And what do these photos show, starting
23 with No. 4?
24 MS. GALLUCCI: I'm just going to object now to it

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1 on the basis of relevance. I don't understand what --
2 HEARING OFFICER EX: Well, I don't know until there
3 is an answer. We will see if it's relevant. Which one
4 are you on? 4?
5 MS. GORSKE: No. 4.
6 HEARING OFFICER EX: Okay.
7 BY THE WITNESS:
8 A. Exhibit 4 is a printout of a Google Maps
9 measurement that was created on June 13th, 2016 by
10 myself. It shows the distance between the end of the
11 building at 2350 West Ogden Avenue to the end of the
12 parking lot that is attached or next door to said
13 building.
14 BY MS. GORSKE:
15 Q. And Exhibit 5, what does that show?
16 A. Exhibit 5 is a printout of the same
17 measurement without a satellite imagery overlaid on top
18 of it. So the two points on the map are the distance
19 that was measured or the location that was measured.
20 Q. And your testimony is that both 4 and 5 are
21 Google maps?
22 A. Correct.
23 Q. Now, turning to 6, City's Exhibit 6, what is
24 that?

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1 A. City's Exhibit 6 is a printout of a
2 measurement that was created using the City of Chicago's
3 planning and development zoning map between the -- it's
4 of the building at 2350 West Ogden and the end of the
5 parking lot that is attached to it with the distance in
6 the middle of the page.
7 Q. The City's Exhibit 6, you said that's from
8 what map?
9 A. The City's Department of Planning and
10 Development has a zoning map available. So it's from
11 the City's zoning map.
12 Q. And you indicated this is a measurement of a
13 particular area?
14 A. Yes, the area in front of 2350 West Ogden,
15 which is a satellite office of BACP.
16 Q. And is the same area that was measured with
17 the Google photos?
18 A. Correct.
19 MS. GALLUCCI: I'll just object because the Google
20 photo shows the total distance as 286.03 feet, and this
21 says 286.4. So it's not the same exact, it's just the
22 City's system compared to the --
23 HEARING OFFICER EX: Well, I don't even know what
24 the relevance of these are at this point. So let's wait

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1 until that -- you're going to explain how this is all
2 relevant, Ms. Gorske?
3 MS. GORSKE: Yes.
4 HEARING OFFICER EX: Let's wait until that, because
5 at this point I don't know what this has to do with this
6 case.
7 BY MS. GORSKE:
8 Q. And then the City's Exhibit 7, what's 7?
9 A. A printout of the same measurement with
10 satellite imagery overlaid on top of it.
11 Q. So the first two photos are Google photos
12 showing measurement; correct?
13 A. Correct.
14 Q. Of a particular location, 2350 Ogden?
15 A. Yes.
16 Q. And the second two photos are?
17 A. The City of Chicago's zoning map measurement.
18 Q. Showing measurements?
19 A. Of 2350 West Ogden.
20 Q. What is the measurement that you came up with
21 using Google maps?
22 MS. GALLUCCI: I'm sorry, the measurement for what?
23 HEARING OFFICER EX: Sustained. Can you lay a
24 foundation for what it is you're trying to measure?

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1 BY MS. GORSKE:
2 Q. So City's Exhibit 4 and City's Exhibit 5, what
3 distance are you measuring in those?
4 A. The distance between the beginning or end of
5 the parking lot next door to 2350 West Ogden to the
6 beginning of the building at 2350 West Ogden.
7 Q. And using Google Maps, what did you determine
8 was the distance?
9 A. 286.03 feet, which was rounded down to
10 286 feet.
11 Q. Now, turning to B-6 and B-7, what are you
12 measuring there?
13 A. The exact same measurements.
14 MS. GALLUCCI: Wait, I'm so sorry. I just got lost.
15 You said it was rounded down to 286 feet, but it's not.
16 HEARING OFFICER EX: Is that an objection, Ms.
17 Gallucci?
18 MS. GALLUCCI: Yes, I'm sorry.
19 HEARING OFFICER EX: What's your objection?
20 MS. GALLUCCI: My objection is that it's misstates
21 facts in evidence. This exhibit shows --
22 HEARING OFFICER EX: Let's try to --
23 MS. GALLUCCI: -- 286.03 feet.
24 HEARING OFFICER EX: Let's try to narrow this down

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1 here. What exactly are you trying to show by these
2 photos. That has nothing to do with Wells Street, does
3 it?
4 MS. GORSKE: No.
5 HEARING OFFICER EX: Okay.
6 MS. GORSKE: But the technology employed by the
7 City's witness is such that Google Maps will tell you
8 that a particular location -- what the distance is for a
9 particular location from point A to point B. And the
10 City's -- what's it called? What is this again?
11 THE WITNESS: Zoning, the zoning map.
12 MS. GORSKE: City's zoning map can provide
13 essentially the same information that Google Maps does.
14 You can put in a beginning location, an end location,
15 and it tells you the distance. So the City relies on
16 the City zoning map to determine distances.
17 HEARING OFFICER EX: So is this going to have
18 something to do with the address at 504 North Wells?
19 MS. GORSKE: Correct, because what the City is
20 saying is that the Google map distance comports with the
21 City zoning map distance in this instance. And so the
22 City is asserting that this is a reliable basis to
23 measure a distance.
24 HEARING OFFICER EX: Okay. So is there going to be

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1 testimony that Mr. Campos measured something?
2 MS. GORSKE: There is going to be testimony that he
3 used Google Maps and that he verified the distance that
4 he determined on Google Maps with the City's zoning
5 maps.
6 HEARING OFFICER EX: Well, I'm still having a hard
7 time. Is the testimony going to be that he measured
8 distance where some witnesses said they were to Bottled
9 Blonde --
10 MS. GORSKE: Correct.
11 HEARING OFFICER EX: -- using a Google map?
12 MS. GORSKE: Correct.
13 HEARING OFFICER EX: Okay. So why don't you just
14 get into that. And if there is an objection to the
15 accuracy of a Google map, you know, that's --
16 MS. GORSKE: But these photos --
17 HEARING OFFICER EX: You're trying to lay a
18 foundation for the accuracy of that, is that --
19 MS. GORSKE: 4, 5, 6 and 7 will show that the City's
20 zoning map and the system that the City uses to measure
21 comports with Google Maps. And so when he explains how
22 he used Google Maps to measure the distance between the
23 City's witness and Bottled Blonde and then he also cross
24 checked it against the zoning map.

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1 HEARING OFFICER EX: Well -
2 MS. GORSKE: He is saying that it's reliable. The
3 zoning map is reliable, Google Maps is reliable. When
4 you put the two together, you know you have the right
5 distance.
6 HEARING OFFICER EX: All right. Well, there may be
7 a better way to do this if you ask him questions about
8 what he measured from which point and then what he used.
9 I don't want to tell you how to handle your own witness,
10 but I'm having a hard time. So if you're going to
11 allege, if Mr. Campos can testify that he was at a
12 certain point, he measured it to another point,
13 calculated it on a Google map, that's a question of
14 whether or not that is accurate, I suppose, you know.
15 So I assume the Respondents are going to
16 object to the accuracy of this map. I don't know.
17 MR. ZICCARDI: Judge, I would object to the entire
18 line of questioning because unless Mr. Campos can
19 establish that he has personally confirmed the
20 information that's shown in Exhibits 4, 5, 6 and 7, I
21 don't think there is any foundation for him to be able
22 to testify to these whatsoever.
23 HEARING OFFICER EX: Well, that's what I'm saying.
24 I don't know what his testimony is going to be at this

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1 point. So I think we need to hear that and then we can
2 determine --
3 MS. GALLUCCI: Also, this could have been done for
4 the area -- you know, just going down this line of
5 questioning for completely irrelevant addresses doesn't
6 make any sense to me. Why wouldn't he have typed it in
7 for Bottled Blonde? Why would they pick a random
8 address instead of the address that we're here to talk
9 about?
10 HEARING OFFICER EX: That's questions for you to
11 ask. But let's see what Mr. Campos has to say about what
12 he measured. Maybe that will move it along a little bit.
13 MS. GORSKE: As to the City's exhibits, should I
14 tender them to the Court?
15 MS. GALLUCCI: Just for a clean record, I would like
16 to object based on relevance of the whole line of
17 questioning.
18 HEARING OFFICER EX: Well, I'm going to withhold
19 that because I haven't heard his testimony of what he is
20 basing his statement on at this point calling for --
21 MS. GALLUCCI: Is she seeking to admit these into
22 evidence?
23 HEARING OFFICER EX: No, I'm not receiving
24 anything into evidence --

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1 MS. GALLUCCI: I'm sorry, is Ms. Gorske seeking to
2 admit these into evidence? Is that why she handed them
3 up?
4 HEARING OFFICER EX: I don't know at this point.
5 All this is is marked at this point.
6 So 4 is a satellite map of 2350 Ogden. 5 is a
7 diagram of that same spot. 6 is a diagram of another
8 portion, looks like a building zoning map. And 7 is a
9 satellite.
10 MS. GORSKE: We're on 7, right? That was 7?
11 HEARING OFFICER EX: 4, 5, 6, and 7. Those are
12 what you have asked me about.
13 MS. GORSKE: There is one last photo in the
14 sequence. It's 8. Oh, I do not have a copy of this,
15 but I'm showing 8 to counsel. It's a device.
16 (City Exhibit No. 8 marked.)
17 MS. GALLUCCI: I do want a copy of this. This is
18 the device that you're using to charge my client and put
19 them out of business. I want a photo --
20 HEARING OFFICER EX: You're not talking to me.
21 MS. GALLUCCI: I am talking to you. I'm going to
22 object if she doesn't have a copy of this for us to look
23 at this device that she is going to be questioning the
24 witness about.

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1 HEARING OFFICER EX: May I see the device?
2 MS. GORSKE: Your Honor, this device was not used
3 to measure the distance between the witnesses and
4 Bottled Blonde.
5 HEARING OFFICER EX: It was not?
6 MS. GORSKE: No.
7 HEARING OFFICER EX: Okay. So --
8 MS. GALLUCCI: So then we'll object to relevance.
9 MS. GORSKE: If I may question Mr. --
10 HEARING OFFICER EX: Well, at this point I'm not
11 really sure what these are all about, but let's have you
12 ask him some questions and we will take it from there.
13 At this point they're only marked. What is that device
14 in 8? What do you call that?
15 THE WITNESS: It is a Lufkin brand measuring
16 rolling wheel. A Lufkin, L U F K I N, it's a measuring
17 wheel.
18 HEARING OFFICER EX: Same thing.
19 MS. GALLUCCI: But I don't have a copy of it. It's
20 an exhibit, but I don't have a copy of it.
21 HEARING OFFICER EX: We'll make that -- all it
22 shows is this device, right?
23 MS. GORSKE: Right.
24 HEARING OFFICER EX: It doesn't show how it's --

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1 MS. GALLUCCI: But while she's questioning the
2 witness, I would like a copy of it. May we have a copy
3 of it before she goes on with her questioning?
4 HEARING OFFICER EX: Can you just run out and make
5 a copy of it?
6 MS. GORSKE: Sure.
7 HEARING OFFICER EX: It's not going to be color. Do
8 you have a color printer?
9 MS. GORSKE: I can give you the black and white and
10 give her the color.
11 (Brief pause.)
12 HEARING OFFICER EX: Did you get your copy?
13 MS. GALLUCCI: Yes. Thank you very much.
14 HEARING OFFICER EX: So the Respondents were
15 tendered a copy of the City's 8, which is a photo of a
16 measuring device or also known as a rolling wheel.
17 Okay. Go ahead, Ms. Gorske.
18 BY MS. GORSKE:
19 Q. What do you see in this photo, Mr. Campos?
20 HEARING OFFICER EX: Which one is that?
21 MS. GORSKE: Photo 8. It's 8, City's Exhibit 8.
22 HEARING OFFICER EX: Okay.
23 BY THE WITNESS:
24 A. It is a photograph of a measuring device

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1 showing the distance between two points at 2350 West
2 Ogden Avenue and the end of the parking lot attached.
3 It was taken by me after I reset the measuring device to
4 zero and then walked or measured off by walking with the
5 rolling device the distance between two specific points.
6 MS. GALLUCCI: I'm just going to object to
7 relevance. Once again, he has talked about the fact
8 that this was never used to measure the information in
9 the case at issue and also that this -- he is talking
10 about something that he did over at 2350 West Ogden,
11 which could not possibly be relevant to this.
12 HEARING OFFICER EX: I'm going to reserve that
13 because I still don't know what he measured. So let's
14 find out first what he measured and then we'll know if
15 it's relevant.
16 BY MS. GORSKE:
17 Q. So Mr. Campos, there have been five documents
18 submitted: Two Google maps, two the City zoning map,
19 and the last one is a device that you have testified you
20 measured the distance?
21 A. Yes.
22 Q. All of those relate to the same address you
23 have testified?
24 A. To the same address, yes.

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1 Q. And measurements for that same location from
2 point A to point B you have testified is virtually the
3 same?
4 A. Yes.
5 Q. Whether Google Maps is used?
6 MS. GALLUCCI: Objection. Foundation.
7 HEARING OFFICER EX: Well, she is not done trying
8 to lay it, I don't think, so let's --
9 MS. GORSKE: I'm trying to --
10 HEARING OFFICER EX: You're trying to lay a
11 foundation as to the accuracy of this device; is that
12 right?
13 MS. GORSKE: No.
14 HEARING OFFICER EX: No? Okay.
15 BY MS. GORSKE:
16 Q. You used that device to measure a distance
17 from points A to point B on Ogden Avenue?
18 MS. GALLUCCI: Objection. Leading.
19 HEARING OFFICER EX: No, that's not leading.
20 MS. GALLUCCI: This is direct examination, so the
21 witness should be telling the story.
22 MS. GORSKE: I'm repeating what he has testified
23 to.
24 HEARING OFFICER EX: Overruled. Go ahead.

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1 BY MS. GORSKE:
2 Q. And the first two documents, you're the one
3 that did the Google search for Ogden Avenue?
4 A. The Google measurement, yes.
5 Q. And did you do the City zoning search for the
6 distance for Ogden Avenue on the other two photos?
7 A. Yes.
8 Q. And no matter what method you used, what
9 distance did you come up with?
10 A. 286 feet across all three methods used.
11 MS. GORSKE: Going to move on.
12 (City Exhibit No. 9 marked.)
13 MS. GORSKE: City's Exhibit 9. I have to give that
14 to counsel.
15 MS. GALLUCCI: If she is moving on, would this be
16 the appropriate time to discuss our objection to
17 relevance to this whole line of questioning?
18 HEARING OFFICER EX: Well, I still don't know what
19 was measured. All I know is that there is a device that
20 the City is purporting was, for lack of a better term,
21 calibrated according to some other location.
22 So let's find out what this device was used
23 for before I know how relevant it is. So I'm still
24 going to withhold a ruling on that.

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1 MS. GORSKE: I'm going to make copies. Be right
2 back.
3 (Brief pause.)
4 (City Exhibit No. 10 marked.)
5 MS. GORSKE: Showing you 9 and 10. Showing you 9
6 and 10.
7 HEARING OFFICER EX: What exhibit are you --
8 MS. GORSKE: 9.
9 HEARING OFFICER EX: And what is that?
10 MS. GORSKE: What is that? It's a photo. And 10
11 is a photo.
12 HEARING OFFICER EX: Did you ask him a question?
13 I'm sorry.
14 MS. GORSKE: I am now.
15 HEARING OFFICER EX: Okay.
16 BY MS. GORSKE:
17 Q. Do you recognize what you see?
18 A. Yes, it is a Google map distance printout of
19 the distance between two points that are end capped
20 between two white points. This is the distance between
21 the northeast corner of 505 North Wells and the
22 southwest corner of the building at the intersection of
23 Grand and Wells.
24 MS. GALLUCCI: I'm sorry, can we have a little more

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1 clarification on that?
2 HEARING OFFICER EX: Can you repeat that.
3 MS. GALLUCCI: Which exhibit are we talking about?
4 HEARING OFFICER EX: 9. Do you want to repeat that,
5 Mr. Campos. This is what?
6 THE WITNESS: A measurement between the northeast
7 corner of 504 North Wells and the southwest corner of
8 the building at the intersection of Grand and Wells
9 containing GT Fish and Oyster. And the measurements
10 174.19 feet per Google Maps.
11 MS. GALLUCCI: There is two --
12 HEARING OFFICER EX: Hold on one second. Just so
13 the record is clear, this Exhibit 9 started at the
14 northeast corner of Wells?
15 THE WITNESS: Of 504 North Wells.
16 HEARING OFFICER EX: Is 504 in the middle of the
17 block or is it on the corner?
18 THE WITNESS: It's in the middle.
19 HEARING OFFICER EX: Okay.
20 THE WITNESS: There is two white dots at the end.
21 HEARING OFFICER EX: Which cross streets? If it's
22 the northeast corner, it has to be a cross street;
23 right?
24 THE WITNESS: It's in the middle of the block, so

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1 it's on Wells. So north would be here (indicating),
2 southwest east, so northeast corner of that building to
3 the southwest corner of that building.
4 HEARING OFFICER EX: No, northeast corner of a
5 building; is that what you're saying?
6 THE WITNESS: Yes.
7 HEARING OFFICER EX: Of a building, not the
8 northeast corner of the block.
9 THE WITNESS: Of the building, yes.
10 HEARING OFFICER EX: Of the building. And the
11 southwest corner of what?
12 THE WITNESS: Of the building at the intersection
13 of Wells and Grand.
14 HEARING OFFICER EX: So it's going north?
15 THE WITNESS: It's going -- the measurement, yes.
16 Yes, sir.
17 MS. GALLUCCI: There are two markings on this line.
18 One says 174 feet and one says a hundred feet.
19 HEARING OFFICER EX: We will get into that. All
20 right. Let's move on.
21 MS. GORSKE: Tendering City's Exhibit 9.
22 BY MS. GORSKE:
23 Q. City's Exhibit 10, do you recognize what you
24 see in that photo?

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1 A. This is a Google map measurement between two
2 points -- between two buildings at the intersection of
3 Wells and Illinois, so the southeast corner of the
4 building at 504 North Wells to the entrance of a
5 building on Illinois and Wells with the entrance being
6 on west Illinois Street. That measurement per Google
7 Maps is 124.47 feet.
8 HEARING OFFICER EX: And that's Exhibit 10, is that
9 what you're saying?
10 MS. GORSKE: Exhibit 10.
11 HEARING OFFICER EX: Just so the record is clear, if
12 it's possible here, 9 is the, purports to be from the
13 northeast corner of the building of Bottled Blonde to
14 the southeast corner of Grand and Illinois.
15 And then 10 is --
16 MR. ZICCARDI: I'm sorry, Grand and Illinois are
17 parallel.
18 MS. GALLUCCI: Do you mean Grand and Wells?
19 HEARING OFFICER EX: Grand and Wells. And 10 is
20 from the southeast corner of the building purporting to
21 be Bottled Blonde to the location on Illinois east of
22 Wells. Is that right?
23 THE WITNESS: Yes.
24

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1 (City Exhibit No. 11 marked.)
2 MS. GORSKE: That is City's Exhibit 11.
3 BY MS. GORSKE:
4 Q. Do you recognize what you see in this exhibit?
5 A. Yes, what's labeled City's Exhibit 11 is a
6 printout of the City of Chicago zoning and land use map
7 showing the measured distance between two points end
8 marked by two green flags on the map.
9 In this particular case it is the northeast
10 corner of 504 North Wells to the southwest corner of
11 what would be 531 North Wells, with a distance indicated
12 by the zoning map of 174.38 feet.
13 Q. So this is the same distance that you had
14 measured previously with the Google map?
15 A. Yes.
16 Q. But this is a different map that you're using
17 to measure that same distance?
18 A. Correct.
19 Q. This is the City zoning map?
20 A. Correct.
21 Q. And you said the distance was?
22 A. 174.38 feet.
23 MS. GALLUCCI: I'm just going to object because
24 that's on the City of Chicago map, but on the Google map

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1 it says 174.19.
2 HEARING OFFICER EX: Well. That --
3 MS. GALLUCCI: And it also says a hundred on the
4 Google map.
5 HEARING OFFICER EX: I'm going to withhold ruling
6 on your objection because you will have an opportunity
7 to ask him questions about this.
8 (City Exhibit No. 12 marked.)
9 MS. GORSKE: And now City's Exhibit 12. It's the
10 last one in this series. And I have tendered it to
11 counsel.
12 THE WITNESS: This is a printout of City of Chicago
13 zoning and land use map measurement between the
14 Southeast corner of the building at 504 North Wells and
15 the entrance on Illinois Street to 501 through 507 North
16 Wells. The measurement is earmarked by two green flags,
17 which are the start and ending points. And per the City
18 of Chicago zoning and land use map, that distance is
19 124.31 feet.
20 BY MS. GORSKE:
21 Q. And again, this is a distance that you
22 previously measured using Google Maps?
23 A. Correct.
24 MS. GALLUCCI: I'm going to object to his

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1 characterization of this. He didn't measure using
2 Google Maps. There is not a measurement --
3 HEARING OFFICER EX: Well, that's for cross, so you
4 will have an opportunity in just a minute, I believe. Go
5 ahead.
6 BY MS. GORSKE:
7 Q. And with this City's Exhibit 12 the
8 measurement was -- you used the City zoning map?
9 A. Correct.
10 Q. And you were measuring the same distance that
11 you were in one of the previous exhibits?
12 A. The same points.
13 Q. And the distance again that you determined?
14 A. 124.31 feet.
15 HEARING OFFICER EX: I have Exhibits 3 through 12,
16 right?
17 MS. GORSKE: Yes.
18 HEARING OFFICER EX: Okay.
19 MS. GORSKE: Nothing further for this witness.
20 HEARING OFFICER EX: Cross.
21 MR. ZICCARDI: Can we take two minutes, Judge?
22 HEARING OFFICER EX: Yes. You can have a seat,
23 Mr. Campos.
24 (Brief pause.)

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1 HEARING OFFICER EX: Are you ready?
2 MS. GALLUCCI: Yes. Thank you.
3 HEARING OFFICER EX: All right. Mr. Campos, if you
4 could come up again. Who is doing the questioning? Mr.
5 Ziccardi.
6 MR. ZICCARDI: I am.
7 CROSS-EXAMINATION
8 BY MR. ZICCARDI:
9 Q. Mr. Campos, you were not present at the time
10 of any of the noise violations asserted by the City;
11 isn't that correct?
12 A. Correct.
13 Q. And you don't have any personal knowledge or
14 personal experience as the any of those violations that
15 we're talking about today; right?
16 A. Correct.
17 Q. You didn't survey the property line for
18 Bottled Blonde; is that right?
19 A. Correct.
20 Q. So you don't know exactly where these pictures
21 -- strike that.
22 You don't know exactly where these pictures
23 and property line for the property that is occupied by
24 Bottled Blonde starts or stops; correct?

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1 A. I do know where it starts and stops.
2 Q. Well, these photos, Exhibits -- let's start
3 with Exhibit 12 -- doesn't indicate the actual property
4 lines of each lot; right?
5 A. May I see Exhibit 12?
6 The light blue lines on the City zoning map
7 are lot lines, so they would show a specific particular
8 parcel where they begin and end.
9 Q. That hasn't -- the City -- strike that.
10 To your knowledge, the City hasn't actually
11 gone out and surveyed this particular lot; right?
12 A. Correct.
13 Q. And you weren't involved in the creation of
14 this zoning map that's in Exhibit 12; right?
15 A. I was not. I created the printout. I did not
16 create the software developed.
17 Q. Right. In fact, so the map that's shown in
18 Exhibit 11, you didn't create that map either; right?
19 A. I created the printout, not the actual
20 contents shown on the map.
21 Q. So -- and with respect to Exhibits 9 and 10,
22 you obviously weren't involved with Google to create
23 those images; correct?
24 A. Correct.

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1 Q. So you don't have any knowledge as to whether
2 or not those are accurate; correct?
3 A. I can testify to what the distance between the
4 two points is alleged.
5 Q. I'm sorry, you said -- I didn't hear that last
6 part. Say it again, please.
7 A. I can testify as to the distance that's shown
8 on the Google maps between the two points I selected on
9 the map.
10 Q. Sure, but you didn't actually go out and
11 testify -- you didn't actually go out and measure the
12 distance from one point on your picture to the other
13 point on your picture; correct?
14 A. Correct.
15 Q. So your knowledge is based solely on what's
16 shown on your computer screen; correct?
17 A. Correct.
18 Q. And you have no way to know how or what
19 process, if any, that Google actually used to come up
20 with those measurements; right?
21 A. Correct.
22 Q. So you have no way to determine the accuracy
23 of that information as posted by Google; right?
24 A. Correct.

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1 Q. And the same is true on the City of Chicago
2 zoning map; right? You didn't actually go out and
3 measure for purposes of this zoning map; right?
4 A. Correct.
5 Q. So you don't ---
6 HEARING OFFICER EX: Which one are you holding up?
7 MR. ZICCARDI: I'm sorry, Exhibit 11 and 12.
8 BY MR. ZICCARDI:
9 Q. The answer is the same; is that correct?
10 A. Yes.
11 Q. And so you didn't -- for Exhibits 11 and 12
12 you didn't -- you don't have any way to determine the
13 accuracy of what is shown on Exhibits 11 and 12; right?
14 A. Correct.
15 Q. These are not dated. I don't see any dates on
16 Exhibit 11 and 12. When were these done?
17 A. May I? There are dates on them. I can show
18 you where they're at. This is a screen shot, so it was
19 taken May 11th at 3:41 in the afternoon.
20 HEARING OFFICER EX: What exhibit is that, Mr.
21 Camps?
22 THE WITNESS: 12.
23 MR. ZICCARDI: That's Exhibit 12.
24 HEARING OFFICER EX: I'm sorry, 12?

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1 THE WITNESS: Yes. At 3:41 in the afternoon and
2 3:52 in the afternoon on May 11th, 2019, which was this
3 past Saturday.
4 HEARING OFFICER EX: And where do you see that on
5 that Exhibit 12?
6 THE WITNESS: On the bottom right-hand corner.
7 BY MR. ZICCARDI:
8 Q. I'm going to ask you to look at Exhibits 9 and
9 10. These are the Google map images. I just see a
10 statement copyright 2019, Google map dated 2019 Google.
11 Is that what that says?
12 THE WITNESS: Yes, at the bottom.
13 Q. And so did you print these as well on
14 May 11th, 2019?
15 A. Yes, there is a date on the top left-hand
16 corner.
17 Q. So these Exhibits 9 and 10 don't necessarily
18 reflect the accuracy of what's depicted in them as of
19 September 16th of 2018; correct?
20 A. Correct.
21 Q. And you don't know if these are accurate as of
22 October 27th of 2018; correct?
23 A. Correct.
24 Q. And you don't know if Exhibits 9 and 10 are

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1 accurate as of October 28th of 2018; correct?

2 A. Correct.

3 Q. You don't know what process and procedure

4 Google actually used to determine these measurements;

5 right?

6 A. Correct.

7 Q. You didn't take your little wheel, Exhibit 8,

8 this Lufkin wheel, you didn't take it out to the site?

9 MS. GORSKE: Objection: Asked and answered.

10 HEARING OFFICER EX: Overruled. I don't believe

11 so.

12 BY MR. ZICCARDI:

13 Q. You didn't take this wheel out to the site and

14 walk the distance from -- that's depicted on Exhibit

15 No. 9, did you?

16 A. May I see Exhibit No. 9?

17 No, it is unsafe to cross four lanes of

18 traffic between the two points.

19 Q. So your answer is no, you did not?

20 A. Correct.

21 Q. And the same thing you said for Exhibit

22 No. 10, you didn't take your measuring wheel and go out

23 there and measure the distance that's depicted in

24 Exhibit No. 10; correct?

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1 A. Since it criss-crosses a building, I do not

2 walk through buildings, so no.

3 Q. You didn't ask or order a survey to be done

4 for either location as depicted in Exhibits 9 or 10;

5 correct?

6 A. I did not.

7 Q. And you certainly didn't prepare one yourself;

8 right?

9 A. I am not a surveyor, so no.

10 Q. So none of these pictures, Exhibits 9, 10, 11

11 or 12, was done as of the date of each of the violations

12 alleged here; correct?

13 A. They were prepared on May 11th, 2019.

14 Q. The Lufkin wheel, that only rounds up to

15 10ths, isn't that correct?

16 A. The rounding up version is in inches. So

17 there is 12 inches in a foot. So it would be 12ths, not

18 10ths. So in this case it's reading 286 feet, and the

19 inch marker is oscillating between 1 and 2 inches.

20 Q. So that it doesn't, this Lufkin wheel doesn't

21 add another digit, which I think would be a hundredths?

22 A. No, it's just in feet and inches.

23 Q. So the Google Maps, Exhibits 9 and 10, those

24 don't -- those just measure distance in feet; correct?

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1 A. Correct.

2 Q. But they don't, they don't measure the extra

3 inches; right?

4 A. One can decipher from the decimals what the

5 inches would be.

6 Q. Okay. So for Exhibit No. 9, you got

7 174.19 feet; right?

8 A. Yes.

9 Q. What's the decimal point for that?

10 A. That would a fifth of a foot, 12 inches, it

11 would be, .25 would be 3 inches, so between 2 and

12 3 inches.

13 Q. I'm sorry, how would that show on the Lufkin

14 wheel?

15 A. The inch marker would be oscillating between 2

16 and 3. So a quarter of a foot would be 3 inches, which

17 would be .25, and if it's .19, it would be less than 3,

18 inches but more than 2.

19 Q. Let me ask you to look at this Lufkin wheel

20 again. That's between the 1 and the 2; correct?

21 A. Correct.

22 Q. Is it your testimony that after No. 9, it

23 actually shows a 10 and then an 11 and a 12?

24 A. No. It would -- it would -- well, the 12

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1 would just move to 287. It will move the next number

2 up. And it would show 11. When it reaches 12, there

3 would be another foot. And the number next to it would

4 move up.

5 Q. So this measures 10ths, not actual --

6 A. Inches.

7 Q. -- 12ths?

8 A. Inches it's 12ths.

9 Q. You don't have the wheel here, do you?

10 A. I do not.

11 Q. So I guess I'm confused, but I don't

12 understand how this is going to -- is it your testimony

13 that the last digit in the feet column is then going to

14 flip?

15 A. After 11, yes. So 1 through 11, and once it

16 -- when it reach 12, it would reset back to zero, and

17 then that would go up to 7.

18 Q. So this inches column has an 11?

19 A. Yes.

20 Q. It doesn't go back to zero?

21 A. It would flip back to zero, yeah, I mean, once

22 it went to 287, then start adding inches --

23 Q. So after 9 -- this white column here after 9,

24 it goes to --

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<p>1 A. 10. 2 Q. 10. 3 A. Then 11, and then the number to the left moves 4 up. There are 12 inches in a foot. It's measuring 5 inches. 6 Q. So it shows two digits in that same little 7 space there? 8 A. Yes. 9 Q. Are the numbers smaller then? 10 A. They would show in the white space. 11 Q. So it's going to show the 1 and the zero? 12 A. Yes. 13 Q. And then the 11 will show the 1 and the 1 in 14 that same little space? 15 A. Yes. 16 Q. And get smaller? 17 A. Yes. Then it would go back to 1, 2, 3, 4. 18 Q. Can you actually see the numbers or are they 19 too small to see when they get to 10 and 11? 20 A. You can actually see the numbers. 21 Q. But that's not how the measurements on 22 Exhibits 9 and 10 are broken up on Google Maps; correct? 23 A. Correct. 24 Q. And the Google Maps measures into two decimal</p>	<p>1 174.19 feet and the City map -- 2 A. Is 174.38 feet. 3 Q. Right. And it's your testimony these are the 4 same measurement? 5 A. It's on two separate platforms, yes. So the 6 measurement would be 174 feet in both cases. 7 Q. But you don't know where the witness was 8 standing at on the Grand and Wells northeast corner; 9 correct? 10 A. I do not. 11 Q. And then on Exhibits -- let's go to 12 Exhibits 10 and 12, you have different measurements on 13 those too; correct? 14 A. Yes. Exhibit 12 is 124.31, and Exhibit 10 is 15 124.47. 16 Q. And again, you can't -- you don't know why the 17 difference in the measurements; correct? 18 A. Correct. 19 Q. You don't know where the witness was -- sorry, 20 the complaining individual was standing when he claims 21 he heard the noise on Illinois Street just east of 22 Wells; correct? 23 A. I do not. 24 Q. You didn't actually meet the witnesses, did</p>
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<p>1 points, the 10ths and the hundredths; right? 2 A. Yes. 3 Q. It measures the two decimal points? 4 A. Yes. 5 Q. And on the City's zoning map, Exhibits 11 and 6 12, it shows feet plus two decimal points for the 7 inches? 8 A. Yes. 9 Q. Now, why do the City's maps Exhibits 11 and 12 10 have different measurements than the Google Maps 11 Exhibits 9 and 10? 12 A. May I see Exhibits 9, 10, 11, and 12. 13 MS. GALLUCCI: You have those there. 14 THE WITNESS: They were submitted to the hearing 15 officer. 16 HEARING OFFICER EX: Which ones do you need? 17 MS. GALLUCCI: No, that's okay. I want to you to 18 have them, so we all have a copy of the same thing. 19 BY MR. ZICCARDI: 20 Q. So let's start with Exhibit 9, which is the 21 same as Exhibit 11, correct? Exhibit 11 is the City 22 map; 9 is the Google map; right? 23 A. Yes. 24 Q. So the distance on the Google map is</p>	<p>1 you? 2 A. Other than today, no, I have not spoken to 3 them. I saw them today. I have not met them. 4 Q. But I mean, my point is you didn't meet any of 5 those witnesses out at the actual locations; correct? 6 A. Correct. 7 Q. And they didn't actually identify for you the 8 specific place that they were standing when they claim 9 they heard the noise; right? 10 A. Correct. 11 Q. You could have done that; right? 12 MS. GORSKE: Objection. 13 HEARING OFFICER EX: I'll allow him to answer. 14 BY THE WITNESS: 15 A. Yeah, I could have. 16 MR. ZICCARDI: I don't have any -- 17 HEARING OFFICER EX: Redirect? 18 MS. GALLUCCI: At this point we would renew our 19 objection to relevance. 20 HEARING OFFICER EX: Well, let's wait until she is 21 done, and then we will see what... 22 REDIRECT EXAMINATION 23 BY MS. GORSKE: 24 Q. You measured to the northeast corner of Grand</p>

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1 and Wells. That was one of the end points of your
2 measuring, northeast corner Grand and Wells?
3 A. The southwest corner of Grand and Wells to the
4 northeast corner of 504 North Grand.
5 Q. Repeat that again.
6 A. I measured to the southwest corner, from the
7 southwest corner of 531 North Wells to the northeast
8 corner of 504 North Wells.
9 Q. To the northeast corner of Grand and Wells?
10 A. Grand and Wells was southwest to northeast.
11 MS. GORSKE: If I may see that.
12 THE WITNESS: Northeast to southwest.
13 BY MS. GORSKE:
14 Q. Northeast to southwest?
15 A. Yes.
16 Q. Okay. So that -- and this, we're looking at
17 City's Exhibit 9?
18 A. Yes.
19 Q. So the southwest corner that appears in City's
20 Exhibit 9?
21 A. Yes.
22 Q. You don't know where the witness was standing;
23 correct?
24 A. Correct.

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1 Q. Did you use for that corner, were you
2 measuring from the curb or from the building?
3 A. From the building.
4 Q. When you were asked to measure from Bottled
5 Blonde, which is midpoint on Wells between Grand and
6 Illinois, you were asked to measure from that property
7 line to 180 Illinois, the entrance to the building on
8 Illinois, 501 Wells, but it has an entrance on Illinois.
9 A. Yes.
10 Q. So you measured to that building, to the
11 entrance on Illinois?
12 A. Yes.
13 Q. Why didn't you take the Lufkin wheel and
14 simply walk down Wells and then make a left turn and go
15 down Illinois? Why didn't you do that?
16 A. I was attempting to gather the measurement
17 between the two closest points between the entrance and
18 the property at 504 North Wells.
19 Q. So the measurement -- would the measurement
20 have been accurate if you had taken the Lufkin wheel and
21 went down Grand and then went down Illinois?
22 A. If I established or used the Pythagorean
23 theorem or A squared plus B squared equals C squared,
24 yes.

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1 THE REPORTER: I'm sorry, can you say that again
2 slowly.
3 THE WITNESS: Using mathematical equations, yes.
4 The two legs of the triangle would have -- it would have
5 involved math because the Pythagorean theorem says that
6 A squared plus B squared equals C squared.
7 Q. So instead of that, what system did you use to
8 measure?
9 A. I utilized the City zoning map and Google Maps
10 to conduct two separate measurements.
11 Q. And why did you use two maps, two different
12 systems?
13 A. To validate the measurements or confirm them.
14 Q. And did they validate or confirm?
15 A. Yes.
16 Q. And did you --
17 MS. GALLUCCI: Objection. Misstates facts in
18 evidence. They're not even the exact same numbers. They
19 don't even measure the same way.
20 HEARING OFFICER EX: Say that again.
21 MS. GALLUCCI: They're not even the exact -- she is
22 asking, you know, did that validate them, but they're
23 not the same numbers. They're not even measured the
24 same way.

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1 HEARING OFFICER EX: Which exhibits are you
2 referring to?
3 MS. GALLUCCI: Exhibits 9 and 11. 9 has 174.19
4 feet. 11 has 174.38 feet, 10 and 12 124.47 feet, 124.31
5 feet.
6 HEARING OFFICER EX: So you're saying that there is
7 a difference in those measurements.
8 MS. GALLUCCI: There's a difference in those
9 measurements, but also that he has never gone and tested
10 the accuracy of the measurement of the City's system at
11 this address. He may have done it at other addresses,
12 but he didn't do it at this address.
13 HEARING OFFICER EX: I think that goes to the
14 weight more than admissibility. You have had an
15 opportunity to point out that these are slightly
16 different measurements, depending on what is used. So
17 it goes to the weight to determine what weight to give
18 to this.
19 MS. GALLUCCI: Well, it's also foundational,
20 though, right, because he lacks the ability to lay a
21 foundation for any of this evidence. I mean, he didn't
22 do any of this on his own. All he did was use a City of
23 Chicago system he has no control over that was never
24 double checked with Google Maps at a time period that's

<p style="text-align: right;">Page 162</p> <p>1 irrelevant as well. It was a couple days ago versus when 2 this all occurred. 3 MS. GORSKE: Your Honor, the -- 4 MS. GALLUCCI: I'm not finished. 5 HEARING OFFICER EX: Let her finish. 6 MS. GALLUCCI: So what he has done is, at one point 7 he used the Lufkin wheel to measure the City system at a 8 different address against Google Maps, but at no point 9 did he ever do any measurements at this location. He 10 didn't do a physical measurement, he didn't do a test of 11 the system, he doesn't have any authority under either 12 the City of Chicago zoning map or Google Maps to testify 13 about this because he has never tested of it. All he did 14 was do a printout and he doesn't know where the 15 witnesses were standing. 16 HEARING OFFICER EX: Well, the City is not offering 17 these at this point, are you? 18 MS. GORSKE: We are going to offer these into 19 evidence. 20 HEARING OFFICER EX: At this point, though. 21 MS. GORSKE: Right. 22 HEARING OFFICER EX: Because this is not going to 23 end today, you know, right? Are you going to rest today 24 or are you going to wait until the next --</p>	<p style="text-align: right;">Page 164</p> <p>1 going to have additional time as well. 2 HEARING OFFICER EX: I agree. I agree. We're not 3 going to rest today. I'm not going to make the City 4 rest today. I want to take a look at these anyway and 5 examine them in more depth. So when we resume this 6 hearing, presumably in July, I'm planning, we'll address 7 whether or not the City has established a prima facie 8 case, whether it's based upon, partly upon these 9 diagrams or witness testimony, or a combination of the 10 two. 11 MS. GALLUCCI: Can we have a date when the remaining 12 City witness comes out and we still have our case in 13 chief start on a separate date, because I don't know 14 that we need to put forward a case in chief or that we 15 will based on what we have heard today. I'm ready to 16 move for directed verdict. So I don't know why there 17 would be a delay for resting. We don't have a case in 18 chief. 19 HEARING OFFICER EX: You're asking me a couple 20 different things. 21 MS. GALLUCCI: Yes. 22 HEARING OFFICER EX: Whether or not you are to be 23 ready to proceed on the next court date, depending on 24 what happens with the City's case.</p>
<p style="text-align: right;">Page 163</p> <p>1 MS. GORSKE: We can wait until -- 2 HEARING OFFICER EX: Right. I'm going to reserve 3 that. I know there are questions about foundation and 4 weight in this. 5 MS. GALLUCCI: But I don't understand why she won't 6 rest today. This is her last witness. And I'm about to 7 move for directed verdict and put an end to this. I 8 don't understand why there would be an opportunity for 9 us to not know this for the whole period of time, have 10 to prepare a case that we probably don't have to prepare 11 when they didn't prove their case today. So why would 12 there be any continuation of this hearing? This should 13 end today. 14 MS. GORSKE: If I may, if the case is going to be 15 continued and the Respondent is going to be allowed to 16 re-call City witnesses and to get all of the responses 17 to FOIA that they're requesting, it's only appropriate 18 to allow the City to continue with its case in chief in 19 July, being that it's 4:40 now. 20 There is one witness who was unable to appear 21 today. If the case is going to be continued to July and 22 the City has not rested, the City would ask to bring 23 that witness forward in July. The City would assert 24 that that's only fair considering that Respondent is</p>	<p style="text-align: right;">Page 165</p> <p>1 MS. GALLUCCI: Yes. 2 HEARING OFFICER EX: That's a different issue as to 3 whether or not these documents are going to be admitted 4 into evidence. 5 I understand that you don't want to prepare or 6 bring in witnesses if you don't have to do that. 7 MS. GALLUCCI: No. 8 HEARING OFFICER EX: That's essentially what you're 9 saying. 10 MS. GALLUCCI: Yes. 11 HEARING OFFICER EX: So let's talk about that when 12 we are done here. I'm not going to have the City rest 13 at this point because quite frankly, I want to take a 14 look at the law about any foundation as to these 15 documents. And if the matter is going to proceed on, 16 it's not going to be until the next date. 17 MS. GALLUCCI: Okay. 18 HEARING OFFICER EX: Then we're not going to 19 address prima facie case at this point, because I need 20 to look at this and take a look at the law with regard 21 to the admissibility of these documents, based upon what 22 I've heard. 23 MS. GALLUCCI: So the next time that we're here, we 24 will just do her last witness and the admissibility of</p>

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1 these documents..

2 HEARING OFFICER EX: Well, you know, obviously,

3 this has been going on for a while. We want to have

4 this matter end. So the only way we can do it is to

5 address the admissibility of evidence on the next date.

6 And if you don't want to bring in your witnesses, we

7 will give you some time to do that, but it's not going

8 to be --

9 MS. GALLUCCI: No, just as long as we don't --

10 HEARING OFFICER EX: But it's not going to be more

11 than a week or so.

12 MS. GALLUCCI: Yeah, fine. Thank you.

13 HEARING OFFICER EX: It's not going to be continued

14 a month --

15 MS. GALLUCCI: Yeah, no, that's fine.

16 HEARING OFFICER EX: -- two months or ongoing.

17 MS. GALLUCCI: Thank you.

18 MS. GORSKE: So at this point when we resume -- are

19 we continuing on or are we breaking at this point?

20 HEARING OFFICER EX: Well, you haven't rested,

21 right?

22 MS. GORSKE: No, we have not.

23 HEARING OFFICER EX: Okay. So you're not resting at

24 this point.

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1 MS. GORSKE: No.

2 HEARING OFFICER EX: So do you have any other

3 witnesses today?

4 MS. GORSKE: Not today. On a future date.

5 HEARING OFFICER EX: Well, I know. So what we're

6 going to do is continue this for the next date.

7 MS. GALLUCCI: But she is done with this witness,

8 correct?

9 MS. GORSKE: I may not be.

10 MS. GALLUCCI: You are in your redirect right now..

11 HEARING OFFICER EX: Are you done with him for

12 today?

13 MS. GORSKE: For today.

14 HEARING OFFICER EX: Are you planning on calling

15 him again?

16 MS. GORSKE: Yes.

17 HEARING OFFICER EX: To testify to --

18 MS. GORSKE: To distances.

19 HEARING OFFICER EX: Why don't you finish with him

20 today while we still have time.

21 MS. GORSKE: Okay.

22 HEARING OFFICER EX: How much more do you have to

23 ask him? You might as well finish with him.

24 MS. GALLUCCI: Yes.

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1 HEARING OFFICER EX: And not have to bring him back

2 here.

3 MS. GORSKE: And then is the City barred from

4 bringing any other witnesses from Business Affairs and

5 Consumer Protection?

6 HEARING OFFICER EX: I'm not going to bar anybody

7 from bringing witnesses as long as the case is still

8 open. So that's why you're not resting, I assume. Okay?

9 So I'm not going to preclude the Respondent; I'm not

10 going to preclude the City.

11 So I want to hear whoever you want to call.

12 But in terms of admitting documents at this point, I

13 don't see the need to do that. I understand the

14 Respondents want to argue for a directed finding or lack

15 of prima facie case is more appropriate here. But it's

16 not going to happen today.

17 BY MS. GORSKE:

18 Q: So you used two methods to measure, Google

19 Maps and the City zoning map; is that correct?

20 A. Yes.

21 Q: And why did you use two methods as opposed to

22 just relying on one or the other?

23 A. Again, to confirm or validate measurements

24 between either or.

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1 Q: And did using both systems confirm or validate

2 to you that you had the correct measurements?

3 A. Yes. It's 124 feet and some change in one

4 case and 147 feet and some change --

5 MS. GALLUCCI: I'm going to object to this. There

6 hasn't been a proper foundation for this testimony to

7 come in.

8 HEARING OFFICER EX: Well, I'm not following. You

9 have two different measurements --

10 MS. GALLUCCI: But he doesn't --

11 HEARING OFFICER EX: Two at the same, presumably

12 the same point.

13 MS. GALLUCCI: Except they're presumably the same

14 point. Go ahead.

15 MR. ZICCARDI: The problem, though, is that it's

16 based on an assumption that both the City zoning map and

17 Google map is accurate, which there is no testimony and

18 this witness can't possibly testify to that because he

19 wasn't involved in the creation of those in terms of the

20 measurements that are shown.

21 HEARING OFFICER EX: Right. Right. I understand

22 that there are some foundational issues as to using

23 these maps as well as the method of measurement, but

24 those are all issues that I want to consider. I can't

<p style="text-align: right;">Page 170</p> <p>1 make a determination as to admissibility at this point. 2 So I understand you have issues with that, but 3 that's something I'll address before the evidence is 4 actually admitted into -- these exhibits are admitted 5 into evidence. 6 MS. GORSKE: And the City would point out, as the 7 Court knows, under the rules that apply here, the 8 technical rules of evidence aren't applicable in the 9 same way that they would be in a circuit court 10 proceeding. 11 HEARING OFFICER EX: Well, again, I'll address all, 12 whether these are admissible at the next date. 13 Technical Rules of Evidence are different from technical 14 maps. They're two different things. So you relied upon 15 these maps to establish distances. So that's a little 16 bit different question as the technical rules of 17 evidence in testimony in other things are slightly 18 different. So I'm not going to rule on that at this 19 point. 20 BY MS. GORSKE: 21 Q. In addition to using these two systems, did 22 you do anything else to assure yourself that these 23 measurements are correct? Did you have, for example, a 24 test run at a different location?</p>	<p style="text-align: right;">Page 172</p> <p>1 weight of the evidence. Whether or not we're going to 2 let it in, that's another question. I don't know yet. 3 MS. GALLUCCI: All right. 4 MS. GORSKE: Nothing further for this witness. 5 HEARING OFFICER EX: Any last questions of this 6 witness? 7 MR. ZICCARDI: No, we don't have anything further. 8 HEARING OFFICER EX: I just want to clarify, Mr. 9 Campos. You took, for example, on Exhibit 10, the line 10 from the building on Illinois Street to the south corner 11 of Bottled Blonde; is that right? 12 THE WITNESS: Yes. 13 HEARING OFFICER EX: So the reason you didn't use 14 a wheel is that you would have had to -- because it 15 wouldn't have been possible to determine a straight 16 line? 17 THE WITNESS: Yes. If I may look at Exhibit 10. 18 HEARING OFFICER EX: So you're actually determining 19 that as the crow flies? 20 THE WITNESS: Yes. It would require someone to walk 21 through the building. 22 HEARING OFFICER EX: So could you have determined 23 these same distances by using that wheel? 24 THE WITNESS: No, because I would be unable to walk</p>
<p style="text-align: right;">Page 171</p> <p>1 A. Yes. 2 Q. What location was that? 3 A. 2350 West Ogden, Chicago, Illinois 60608. 4 MS. GALLUCCI: Objection. Relevance. 5 HEARING OFFICER EX: Overruled. 6 BY MS. GORSKE: 7 Q. And you measured a distance at that location 8 using what systems.. 9 A. The Google Maps, the City of Chicago zoning 10 map, and then a hand measuring rolling device. 11 Q. And did you come up with the same measurement 12 using each of those three methods? 13 A. Yes, 286 feet and varying inches. 14 Q. And what did that tell you with respect to 15 these measurements that you just made recently on the 16 Bottled Blonde case? 17 A. That they are accurate representations of the 18 measuring capabilities for Google and the City's zoning 19 map at two points. 20 MS. GALLUCCI: Objection. 21 HEARING OFFICER EX: What's your objection? 22 MS. GALLUCCI: He doesn't have a foundation, can't 23 possibly testify to their accuracy. 24 HEARING OFFICER EX: Well, again, that goes to the</p>	<p style="text-align: right;">Page 173</p> <p>1 through the building in a straight line. 2 MS. GALLUCCI: I'm just going to object because 3 earlier he testified that he could, he would just need 4 to use an equation. 5 HEARING OFFICER EX: Well, that's what's I'm trying 6 to understand. You said something that you could use an 7 equation to determine that? 8 THE WITNESS: Yes. 9 HEARING OFFICER EX: Okay. So is that possible to 10 have done it that way? 11 THE WITNESS: It is possible to have done it that 12 way. 13 HEARING OFFICER EX: Okay. And the reason you 14 didn't do it that way? 15 THE WITNESS: This was easier. 16 HEARING OFFICER EX: All right. 17 BY MS. GORSKE: 18 Q. The other location that you measured -- 19 MS. GALLUCCI: You have rested. He was just asking 20 some follow-up questions, but you said you were done 21 with this witness. 22 HEARING OFFICER EX: Well, I'll allow both of you 23 to ask follow-up questions on what I asked. 24 BY MS. GORSKE:</p>

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1 Q. You didn't use the wheel when you made the
2 other measurement either. Why didn't you use the wheel
3 for that other measurement?
4 HEARING OFFICER EX: Are you talking about the one
5 on Ogden?
6 MS. GORSKE: No, the one on Grand and Wells, the
7 northeast corner.
8 BY MS. GORSKE:
9 Q. You didn't use the wheel for that one. Why
10 not?
11 A. Correct. There are two major streets, Wells
12 and Grand, with multiple lanes of traffic in either
13 direction. It would be unsafe to criss-cross across
14 eight lanes of traffic.
15 HEARING OFFICER EX: Okay. Did you want to follow
16 up on that?
17 MS. GALLUCCI: Yes.
18 RE-CROSS EXAMINATION
19 BY MS. GALLUCCI:
20 Q. But you could have come to the same conclusion
21 by just using a mathematical equation; correct?
22 A. Yes.
23 MS. GALLUCCI: That's all. Oh, I'm sorry.
24 BY MS. GALLUCCI:

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1 Q. And why didn't you?
2 A. This was the easiest method.
3 MS. GALLUCCI: Thank you.
4 HEARING OFFICER EX: All right. City, you're done
5 with Mr. Campos for today; correct?
6 MS. GORSKE: Yes, your Honor.
7 (Witness excused.)
8 HEARING OFFICER EX: What I would like to do, we
9 are going to pick a date in a few minutes, but before we
10 do that, I am going to retain all these exhibits.
11 Everybody has their own copies of exhibits?
12 MS. GORSKE: If the Court would allow me to take
13 those out, I can make two sets of photocopies, put them
14 all in order.
15 HEARING OFFICER EX: Well, what I have up here, let
16 me just see. I want to make sure we have everything.
17 I have Respondent's -- City's 3 and
18 Respondent's 3, Respondent's 1, Respondent's 2, an
19 e-mail. Do you have a copy of that, the e-mail to [REDACTED]
20 [REDACTED]
21 MR. ZICCARDI: Yes.
22 HEARING OFFICER EX: So what I would like to do, I'm
23 going to give these to you, Ms. Gorske. Make sure -- you
24 just had three exhibits and your video; right?

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1 MR. ZICCARDI: Correct, two pictures and the e-mail.
2 HEARING OFFICER EX: Let me make sure that there
3 are copies of all the others.
4 MS. GALLUCCI: I guess for the record we should
5 call the video Respondent's Exhibit 4.
6 HEARING OFFICER EX: That's fine.
7 (Respondent's Exhibit No. 4 marked.)
8 MS. GALLUCCI: Just for purposes of clarity.
9 HEARING OFFICER EX: So I want to make sure that I
10 have all copies of all exhibits. And I would like the
11 copies. Each party keep your originals.
12 MS. GALLUCCI: Yes.
13 HEARING OFFICER EX: Okay? I'll keep one entire set
14 of copies.
15 MS. GALLUCCI: Yes.
16 MR. ZICCARDI: The pictures we tendered, Exhibits 1
17 and 3, those are actually extra copies.
18 HEARING OFFICER EX: Whatever. If you have the
19 original photos, I want you to hold on to those. Okay?
20 I want a full set of copies of all the exhibits.
21 MS. GORSKE: Did you want me to do that now?
22 HEARING OFFICER EX: Why don't you go and do that,
23 just take you a few minutes, so we make sure we have
24 everything. Then we are going to pick a date.

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1 MS. GALLUCCI: When do you return?
2 HEARING OFFICER EX: Probably in the second week of
3 July, looking at the 8th, I believe.
4 MS. GALLUCCI: What is your availability the week of
5 the 20 --
6 HEARING OFFICER EX: Let's wait for her to come
7 back. It's going to have to be on a Monday.
8 MS. GALLUCCI: Are you available if she is on the
9 29th?
10 HEARING OFFICER EX: Yes.
11 MS. GALLUCCI: Okay. And then are you available --
12 HEARING OFFICER EX: Hold on one second.
13 (Brief pause.)
14 HEARING OFFICER EX: Oh, by the way, did you fill
15 out appearance forms today? I need one from each of
16 you. 18 CP 00388A.
17 (Discussion off the record.)
18 MS. GORSKE: These are the copies.
19 HEARING OFFICER EX: It's a full set of copies?
20 MS. GORSKE: Yes.
21 HEARING OFFICER EX: Does it have the exhibit
22 numbers?
23 MS. GORSKE: 13 pages.
24 HEARING OFFICER EX: These two I don't have any

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1 numbers on. Do you know what these are, what numbers
2 these are?
3 MS. GORSKE: Those are probably these photos.
4 MS. GALLUCCI: No, that's our exhibit, that photo
5 in your hand, photo paper. We are the only ones that
6 have a photo paper exhibit.
7 MS. GORSKE: Yes.
8 MS. GALLUCCI: No, our exhibit is not a black and
9 white. It's a photo quality paper in color.
10 MS. GORSKE: No, he wants black and white though.
11 He wanted me to make black and white copies.
12 MS. GALLUCCI: Those copies are for you. The photo
13 quality paper, we would like you to have those copies.
14 And we made those for you. We made copies for everybody
15 like that.
16 HEARING OFFICER EX: Let's take that and we'll
17 figure out what -- these are copies.
18 MS. GALLUCCI: Yeah, those are your copies.
19 MR. ZICCARDI: The exhibit numbers are on the back.
20 HEARING OFFICER EX: Right. That's why I wanted
21 those copies.
22 (Discussion off the record.)
23 MS. GALLUCCI: I think we need a Bates stamp on
24 these; right?

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1 HEARING OFFICER EX: I'm going to give these for
2 scanning. Did you put your date on it?
3 MS. GALLUCCI: No, there is no date.
4 HEARING OFFICER EX: It's going to be scanned
5 upstairs.
6 MS. GORSKE: Here are the copies of everything
7 except your two.
8 MS. GALLUCCI: Okay. Thank you.
9 MS. GORSKE: These are my copies. And then the
10 originals, you wanted them to be returned?
11 HEARING OFFICER EX: Well, I have some originals
12 that are just duplicates from the Respondent's side.
13 MS. GORSKE: Do you want to take all the originals?
14 I made copies for both sides.
15 HEARING OFFICER EX: Okay. Well, that's fine.
16 MS. GALLUCCI: Judge, would you be able to e-mail
17 us the copies? You're going to make color copies for
18 everybody; is that what you said?
19 MS. GORSKE: No, I just made black and whites. He
20 had the originals.
21 MS. GALLUCCI: Okay.
22 HEARING OFFICER EX: What I'm going to do is I'm
23 going to have these scanned upstairs so it's part of the
24 file.

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1 All right. Let's talk about continuance date
2 then. It's going to be sometime in July. The 22nd is
3 bad, so it's either the 15th or the 29th.
4 MS. GALLUCCI: I can't do the 15th.
5 HEARING OFFICER EX: 29th?
6 MS. GORSKE: I'm open.
7 MS. GALLUCCI: What's that?
8 MS. GORSKE: I said I'm open on that date..
9 MS. GALLUCCI: The 29th?
10 MR. ZICCARDI: The 29th works.
11 HEARING OFFICER EX: Whose motion? Is this going
12 to be --
13 MS. GORSKE: By agreement.
14 MS. GALLUCCI: Whatever is easiest.
15 HEARING OFFICER EX: It's by agreement. How's
16 that?
17 MS. GALLUCCI: I don't care about that. It should be
18 the City's because I wanted you to rest today.
19 MS. GORSKE: Pardon me?
20 MS. GALLUCCI: I said it should be the City's
21 because I wanted you to rest today.
22 HEARING OFFICER EX: I'm going to have to give you
23 a handwritten order, figure out why it's not letting me
24 issue a written order.

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1 MS. GALLUCCI: Could you say that again one more
2 time.
3 HEARING OFFICER EX: I'm going to give you a
4 handwritten order for now because the system is not
5 letting me generate a computer order for some reason.
6 MS. GALLUCCI: Okay.
7 HEARING OFFICER EX: And there is nobody here who
8 is going to be able to fix it right now.
9 MS. GALLUCCI: No problem.
10 HEARING OFFICER EX: I know that without calling
11 upstairs. It will be a handwritten order. Sometimes we
12 do that when the systems are down.
13 MS. GALLUCCI: Yeah, sure.
14 HEARING OFFICER EX: For whatever reason it's not
15 letting me do that.
16 MS. GALLUCCI: But we'll resume on July 29th at
17 1:00?
18 HEARING OFFICER EX: It's going to be on the
19 handwritten order I'm going to give you.
20 MS. GALLUCCI: Yeah, I know. I'm trying to put it in
21 the transcript as well.
22 HEARING OFFICER EX: The 29th at 1:00 o'clock.
23 MS. GALLUCCI: Can we make sure that we have one of
24 the rooms available with tables?

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1 HEARING OFFICER EX: I'm going to do the best I can
2 to do that.
3 MS. GALLUCCI: Thank you very much.
4 HEARING OFFICER EX: Keep in mind that some of this
5 is beyond my control. That room next door had one ALJ
6 in there and no participants all day.
7 MS. GALLUCCI: So would we be able to correct that
8 issue next time so that a room with tables should be
9 available to us as opposed to staying here?
10 HEARING OFFICER EX: If I were you, I wouldn't want
11 to be standing either.
12 MS. GALLUCCI: I appreciate that.
13 MS. GORSKE: Your Honor, you had indicated that you
14 wouldn't bar the City from calling witnesses.
15 Previously, we had tendered a list to opposing counsel
16 of the names. So if the City, you know, adds a name to
17 that list, we would provide that to Respondent as soon
18 as we know.
19 HEARING OFFICER EX: Okay. No problem. I don't want
20 to preclude anybody from calling witnesses --
21 MS. GALLUCCI: I appreciate that.
22 HEARING OFFICER EX: -- they want to call. So,
23 you know, for both sides it applies.
24 Let's see here. Here is one for Respondents

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1 and for the City. I'll make sure that the system is
2 updated to reflect that.
3 Anything else?
4 MS. GALLUCCI: Thank you.
5 HEARING OFFICER EX: Okay. See you guys in July.
6
7 (The hearing of the above-entitled
8 cause was adjourned until
9 July 29, 2019 at 1:00 p.m.)
10
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1 STATE OF ILLINOIS)
2) SS.
3)
4)
5 Lois A. LeCorte, being first duly sworn, on
6 oath says that she is a Certified Shorthand Reporter,
7 Registered Diplomat Reporter, and Notary Public doing
8 business in the City of Chicago, County of Cook and the
9 State of Illinois;
10 That she reported in shorthand the proceedings
11 had at the foregoing hearing;
12 And that the foregoing is a true and correct
13 transcript of her shorthand notes so taken as aforesaid
14 and contains all the proceedings had at the said
15 hearing.
16
17
18 LOIS A. LA CORTE, CSR, RDR
19
20 CSR No. [REDACTED]
21
22 SUBSCRIBED AND SWORN TO
23 before me this 22nd day of
24 May, 2019.
[REDACTED]
NOTARY PUBLIC

EX. 2

Judi Gorske

From: Judi Gorske
Sent: Wednesday, September 12, 2018 12:35 PM
To: [REDACTED]
Subject: RE: Bottled Blonde

Hello [REDACTED]
Just touching base. I have spoken to your neighbor, [REDACTED]. Below is a chart I provided to [REDACTED] to assist in collecting the evidence we need to proceed. The ordinance that likely is being violated, based on the facts provided to me by you and [REDACTED] is:

8-32-080 Regulated entertainment businesses.

(a) No establishment holding a liquor license pursuant to Chapter 4-60 of this Code, or a public place of amusement license pursuant to Article III of Chapter 4-156 of this Code, shall operate or permit operation of any equipment or device that electronically amplifies sound so as to generate sound louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated . . .

It would be helpful, in drafting the complaint, to have the following information:

Name of witness	Date/time of incident	Specific location of witness at time of incident	Type of sound heard (e.g., amplified music)	Loudness of sound (e.g., as related to conversational level)	Availability to appear at 400 Superior (court calls daily at 9-10-11 AM, or 1-2 PM)
-----------------	-----------------------	--	---	--	---

I look forward to hearing from you,
Judi

Judith A. Gorske
Assistant Corporation Counsel Supervisor
Legal Information and Prosecutions Division
740 N. Sedgwick Street, 1st Floor
Chicago, IL 60654
312-742-6145 (o)
312-898-3023 (c)
Judi.Gorske@cityofchicago.org

From: [REDACTED] [mailto:\[REDACTED\]](mailto:[REDACTED])
Sent: Saturday, August 18, 2018 8:58 AM
To: Judi Gorske
Subject: Re: Bottled Blonde

Hi there yes! Was traveling will write you details over the weekend. Thanks!

On Aug 18, 2018, at 8:50 AM, Judi Gorske <Judi.Gorske@cityofchicago.org> wrote:

Hello [REDACTED]
Just want to make sure I have the correct email. No rush to reply.
Thanks,
Judi

EX. 3

Judi Gorske

From: [REDACTED]
Sent: Wednesday, September 19, 2018 10:41 AM
To: Judi Gorske
Subject: Re: noise violation

Also, a neighbor ask me if he could testify on the weekend
As he is unavailable during the week. Is it possible to testify
On the weekend ?

Sent from my iPhone

On Sep 19, 2018, at 8:00 AM, Judi Gorske <Judi.Gorske@cityofchicago.org> wrote:

Thanks! So right now, I have one incident from you and one from Casey; I just need one more incident.

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, September 19, 2018 7:14 AM
To: Judi Gorske
Subject: Re: noise violation

I have text messages that [REDACTED] and I sent to each other and a video which documents the sound from her balcony. I think both [REDACTED] and I called 911. It was quite memorable since my husband and I had an extended "conversation" with the manager on duty at the bar. Let me know if you need anything else. [REDACTED]

Sent from my iPhone

On Sep 18, 2018, at 3:13 PM, Judi Gorske <Judi.Gorske@cityofchicago.org> wrote:

Hi [REDACTED] I have one more question, did you document the June 3rd incident in any way (just in case it becomes an issue)? Did you call 311 or is there a record on your phone? In other words, how is it that you remember the noise of June 3rd in particular?

Thanks,
Judi

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, September 14, 2018 1:42 PM
To: Judi Gorske
Subject: Re: noise violation

Hi Judi, I am getting back with you as far as availability. Would it make sense to set a date - perhaps October 10 at 1pm so we ([REDACTED] and I) can block our calendars ?

Also, I checked with one neighbor who was complaining about the noise this past weekend, but it was traffic and crowd noise. I have checked with the neighbor

58695

Sanchez, Lidia

corr from
Reg

From: Natalie Harris <nharris@mandellmenkes.com>
Sent: Tuesday, July 2, 2019 4:51 PM
To: Sara Brocius; Sanchez, Lidia; Public Access
Cc: Brendan Healey; FOIA Submissions (foia@tglawgroup.net)
Subject: RE: PAC 58695
Attachments: 2019-06-24 Request for Review - Bottled Blonde.pdf; Gallucci 4-11-19 FOIA to Law Dept x 2.pdf; Gallucci 4-22-19 FOIA to Law Dept.pdf

Dear Ms. Sanchez,

All three FOIA requests submitted by Ms. Gallucci to the Law Department are reprinted in their entirety in Mr. Skelton's April 24, 2019 letter enclosed with our June 24, 2019 request for review, a copy of which is attached. The two 4/11/19 requests and one 4/22/19 requests are also attached hereto for your review. Please let us know if you need anything further.

Natalie

Natalie A. Harris | Mandell Menkes LLC
One North Franklin, Suite 3600
Chicago, Illinois 60606
(312) 251-1011 phone | (312) 759-3098 fax nharris@mandellmenkes.com | www.mandellmenkes.com

-----Original Message-----

From: Sara Brocius
Sent: Tuesday, July 2, 2019 4:03 PM
To: Natalie Harris
Subject: FW: PAC 58695

-----Original Message-----

From: Public Access [mailto:PAAccess@atg.state.il.us]
Sent: Tuesday, July 2, 2019 3:57 PM
To: Sara Brocius
Cc: Sanchez, Lidia
Subject: PAC 58695

Good Afternoon,

Attached is a letter from Paralegal Sanchez. If you choose to respond by email, please reply to lsanchez@atg.state.il.us or publicaccess@atg.state.il.us.

Thanks,

Dolores Samuelson
Office Assistant
Public Access Bureau
Illinois Attorney General Office
paccess@atg.state.il.us

Email to LAWfoia@cityofchicago.org

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 ILCS 140/1 et seq. (FOIA).

I request a copy of all recordings, logs, reports, records, complaints, or any other documents related to:

1. Any noise complaint occurring on September 16, 2018 at or near [REDACTED] or 504 N. Wells Street.
2. Any noise complaint occurring on October 27, 2018 at or near 531 N. Wells Street or 504 N. Wells Street.
3. Any noise complaint occurring on October 28, 2018 at or near 504 N. Wells Street.
4. Any noise complaint occurring on November 18, 2018 at or near [REDACTED] or 504 N. Wells Street.

Please provide this information to me directly at the email address below. If email delivery is not possible, please mail them to me on a CD. If you are unable to send the records in one of these formats, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10. I am not making this request for a commercial purpose.

Thank you,

Email to LAWfoia@cityofchicago.org

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 ILCS 140/1 et seq. (FOIA).

I request a copy of all recordings, logs, reports, records, complaints, or any other documents related to calls, inquiries or reports received between September 1, 2018 and November 30, 2018 involving the following individuals:



Miguel Campos

Please provide this information to me directly at the email address below. If email delivery is not possible, please mail them to me on a CD. If you are unable to send the records in one of these formats, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10. I am not making this request for a commercial purpose.

Thank you,

Email to LAWfoia@cityofchicago.org

This is a request under the Freedom of Information Act, 5 ILCS 140/1 et seq. (FOIA).

I request a copy of all recordings, logs, reports, records, complaints, or any other documents related to calls, inquiries or reports received between September 1, 2018 and November 30, 2018 regarding the following locations:

1. Bottled Blonde
2. 504 N. Wells

Please provide this information to me directly at the email address below. If email delivery is not possible, please mail them to me on a CD. If you are unable to send the records in one of these formats, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10. I am not making this request for a commercial purpose.

Thank you,

Sanchez, Lidia

From: Natalie Harris <nharris@mandellmenkes.com>
Sent: Monday, July 8, 2019 8:04 PM
To: Public Access; Sara Brocious
Cc: Brendan Healey; FOIA Submissions (foia@tglawgroup.net)
Subject: RE: PAC 58695
Attachments: Fwd.; Fwd.; Fwd:

Dear Lidia,

Please see attached.

Natalie

Natalie A. Harris | Mandell Menkes LLC
One North Franklin, Suite 3600
Chicago, Illinois 60606
(312) 251-1011 phone | (312) 759-3098 fax nharris@mandellmenkes.com | www.mandellmenkes.com

-----Original Message-----

From: Public Access [mailto:PAAccess@atg.state.il.us]
Sent: Wednesday, July 3, 2019 1:16 PM
To: Natalie Harris; Sara Brocious; Public Access
Cc: Brendan Healey; FOIA Submissions (foia@tglawgroup.net)
Subject: RE: PAC 58695

Ms. Harris,

We need the actual emails that were sent. We need to be able to see the date and time it was sent. Can you please submit us a copy of the emails? Thank you.

Thanks,

Lidia Sanchez
Paralegal II
Public Access Bureau
Illinois Attorney General's Office
lsanchez@atg.state.il.us

-----Original Message-----

From: Natalie Harris <nharris@mandellmenkes.com>
Sent: Tuesday, July 2, 2019 4:51 PM
To: Sara Brocious <sbrocious@mandellmenkes.com>; Sanchez, Lidia <LSanchez@atg.state.il.us>; Public Access <PAAccess@atg.state.il.us>
Cc: Brendan Healey <bhealey@mandellmenkes.com>; FOIA Submissions (foia@tglawgroup.net) <foia@tglawgroup.net>

Subject: RE: PAC 58695

Dear Ms. Sanchez,

All three FOIA requests submitted by Ms. Gallucci to the Law Department are reprinted in their entirety in Mr. Skelton's April 24, 2019 letter enclosed with our June 24, 2019 request for review, a copy of which is attached. The two 4/11/19 requests and one 4/22/19 requests are also attached hereto for your review. Please let us know if you need anything further.

Natalie

Natalie A. Harris | Mandell Menkes LLC

One North Franklin, Suite 3600

Chicago, Illinois 60606

(312) 251-1011 phone | (312) 759-3098 fax nharris@mandellmenkes.com | www.mandellmenkes.com

-----Original Message-----

From: Sara Brocious

Sent: Tuesday, July 2, 2019 4:03 PM

To: Natalie Harris

Subject: FW: PAC 58695

-----Original Message-----

From: Public Access [mailto:PAccess@atg.state.il.us]

Sent: Tuesday, July 2, 2019 3:57 PM

To: Sara Brocious

Cc: Sanchez, Lidia

Subject: PAC 58695

Good Afternoon,

Attached is a letter from Paralegal Sanchez. If you choose to respond by email, please reply to lsanchez@atg.state.il.us or publicaccess@atg.state.il.us.

Thanks,

Dolores Samuelson

Office Assistant

Public Access Bureau

Illinois Attorney General Office

paccess@atg.state.il.us

Sanchez, Lidia

From: Jeannie Gallucci <jeannie@tglawgroup.net>
Sent: Monday, July 8, 2019 10:41 AM
To: Natalie Harris
Subject: Fwd:

Best regards,

Jeannie Gallucci

Tanzillo Gallucci, LLC
1016 West Jackson Blvd.
Chicago, Illinois 60607
Office: 312/878.2718
Mobile: 773/802.2047
www.TanzilloGallucci.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

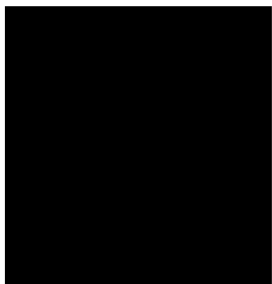
----- Forwarded message -----

From: Jeannie Gallucci <jeannie@tglawgroup.net>
Date: Thu, Apr 11, 2019 at 7:34 AM
Subject:
To: <LAWfoia@cityofchicago.org>

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 ILCS 140/1 et seq. (FOIA).

I request a copy of all recordings, logs, reports, records, complaints, or any other documents related to calls, inquiries or reports received between September 1, 2018 and November 30, 2018 involving the following individuals:




Miguel Campos

Please provide this information to me directly at the email address below. If email delivery is not possible, please mail them to me on a CD. If you are unable to send the records in one of these formats, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10. I am not making this request for a commercial purpose.

Thank you.

Best regards,

Jeannie Gallucci

Tanzillo Gallucci, LLC
1016 West Jackson Blvd.
Chicago, Illinois 60607
Office: 312/878.2718
Mobile: 773/802.2047
www.TanzilloGallucci.com

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Sanchez, Lidia

From: Jeannie Gallucci <jeannie@tglawgroup.net>
Sent: Monday, July 8, 2019 10:41 AM
To: Natalie Harris
Subject: Fwd:

Best regards,

Jeannie Gallucci

Tanzillo Gallucci, LLC
1016 West Jackson Blvd.
Chicago, Illinois 60607
Office: 312/878.2718
Mobile: 773/802.2047
www.TanzilloGallucci.com

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----- Forwarded message -----

From: Jeannie Gallucci <jeannie@tglawgroup.net>
Date: Thu, Apr 11, 2019 at 7:35 AM
Subject:
To: <LAWfoia@cityofchicago.org>

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I request a copy of all recordings, logs, reports, records, complaints, or any other documents related to calls, inquiries or reports received between September 1, 2018 and November 30, 2018 regarding the following locations:

1. Bottled Blonde
2. 504 N. Wells

Please provide this information to me directly at the email address below. If email delivery is not possible, please mail them to me on a CD. If you are unable to send the records in one of these formats, please contact me to discuss alternatives.

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Best regards,

Jeannie Gallucci

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Sanchez, Lidia

From: Jeannie Gallucci <jeannie@tglawgroup.net>
Sent: Monday, July 8, 2019 10:42 AM
To: Natalie Harris
Subject: Fwd:

Best regards,

Jeannie Gallucci

Tanzillo Gallucci, LLC
1016 West Jackson Blvd.
Chicago, Illinois 60607
Office: 312/878.2718
Mobile: 773/802.2047
www.TanzilloGallucci.com

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----- Forwarded message -----

From: Jeannie Gallucci <jeannie@tglawgroup.net>
Date: Mon, Apr 22, 2019 at 3:32 PM
Subject:
To: <LA Wfoia@cityofchicago.org>

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 ILCS 140/1 et seq. (FOIA).

I request a copy of all recordings, logs, reports, records, complaints, or any other documents related to:

1. Any noise complaint occurring on September 16, 2018 at or near [REDACTED] or 504 N. Wells Street.
2. Any noise complaint occurring on October 27, 2018 at or near 531 N. Wells Street or 504 N. Wells Street.
3. Any noise complaint occurring on October 28, 2018 at or near 504 N. Wells Street.
4. Any noise complaint occurring on November 18, 2018 at or near [REDACTED] or 504 N. Wells Street.

Please provide this information to me directly at the email address below. If email delivery is not possible, please mail them to me on a CD. If you are unable to send the records in one of these formats, please contact me to discuss alternatives.

Please contact me for my authorization of any charge in excess of \$10. I am not making this request for a commercial purpose.

Thank you,

Best regards,

Jeannie Gallucci

Tanzillo Gallucci, LLC
1016 West Jackson Blvd.
Chicago, Illinois 60607
Office: 312/878.2718

www.TanzilloGallucci.com

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 25, 2019

Via electronic mail




RE: FOIA Requests for Review – 2019 PAC 58481

Dear 

On June 11, 2019, the Public Access Bureau received your Request for Review contesting the response by the City of Evanston (City) to your Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2016)) requests seeking copies of all correspondence between a named individual and any City staff member or official with a City e-mail account for the time frames of June 1, 2017, through October 1, 2017, and October 1, 2017, through January 1, 2018. On July 5, 2019, this office inquired with the City regarding its responses to your requests, which it had treated as unduly burdensome under section 3(g) of FOIA (5 ILCS 140/3(g) (West 2016)). On July 10, 2019, the City provided a written response. Enclosed is a copy of that response. Upon further review, however, this office lacks the authority to take any additional action with regard to the City's responses to your requests because your submission to this office was untimely.

A person whose FOIA request has been denied may submit a Request for Review to the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016). Based on the information you provided, the City denied your March 21, 2019, requests on March 26, 2019, by asserting that compliance would be unduly burdensome and inviting you to narrow your requests. As noted above, you e-mailed your Request for Review of the City's responses to this office on June 11, 2019, which was 77 days after the date of the City's responses. Because you e-mailed your Request for Review to this office more than 60 days after the City denied your requests, section 9.5(a) of FOIA precludes this office from reviewing the matters, and this file is closed.


July 25, 2019

Page 2

If you have any questions, please contact the Public Access Bureau at the Chicago address at the bottom of the first page of this letter.

Very truly yours,



TERESA LIM
Assistant Attorney General
Public Access Bureau

58481 f 60 days mun

Attachment

cc: *Via electronic mail*
Ms. Alexandra B. Ruggie
Assistant City Attorney
City of Evanston – Law Department
2100 Ridge Avenue
Evanston, Illinois 60201
aruggie@cityofevanston.org



Law Department
2100 Ridge Avenue
Evanston, Illinois 60201
T 847.866.2937
F 847.448.8093

VIA ELECTRONIC MAIL

July 10, 2019

S. Piya Mukherjee
Assistant Attorney General
Public Access Bureau
Office of the Illinois Attorney General
100 West Randolph St.
Chicago, IL 60601

RE: Request for Review – 2019 PAC 58481 – Freedom of Information Act

Dear Attorney Mukherjee:

The City of Evanston received a copy of the above referenced Request for Review submitted by [REDACTED] (the "Requestor") related to the City's response to her Freedom of Information Act ("FOIA"), 5 ILCS 140/1 et seq., requests submitted on March 21, 2019 ("Request"). The FOIA request submitted by the Requestor was seeking emails and written communications between William (Bill) Stafford and City staff/officials from October 1, 2017 through January 1, 2018 and June 1, 2017 and October 1, 2017. The City conducted an email search of all City staff with the search term "William Safford" during both of those date ranges given.

On March 26, 2019, the Requester was notified that the request was unduly burdensome and produced over 3300 and 4400 emails. The Requester was notified of the extraordinary volume of documents and asked to further narrow the search.

The Requester never responded to the City's request to narrow. This FOIA Request remains on pause pending the Requester's response to narrow. The City is entirely amenable to fulfilling this Request if it is able to be narrowed to a reasonable amount of responsive emails.

Over 3300 and 4400 emails would be an extreme burden for the City to review for disclosure as it would take extensive staff hours in the City's Information Technology Department as well as the City's Law Department. The City determined that the public interest in these over 3300 and 4400 emails did not outweigh the City staffs' duty to perform their daily activities. Pursuant to 5 ILCS 140/3(g), the City determined the request was unduly burdensome and asked that the Requester narrow the request.

Please find the correspondence with the Requester attached to this response for your review.

Thank you for your time and consideration of this response. Please feel free to contact me at aruggie@cityofevanston.org or 847-866-2937.

Sincerely,

/s/ Alexandra B. Ruggie
Alexandra B. Ruggie
Assistant City Attorney

Enclosures



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 25, 2019

[REDACTED]
Vienna Correctional Center
6695 State Route 146 East
Vienna, Illinois 61994

Re: FOIA Request for Review – 2019 PAC 59001

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5 of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5 (West 2016)). The Request for Review concerns a FOIA request that you submitted to the City of Aurora Police Department (Police Department). The Police Department responded to your request on, July 25, 2018.

A Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2016).

Based on the information you provided, the Police Department denied your FOIA request on March 6, 2019. As you submitted your Request for Review to this office on June 17, 2019, and more than 60 days have lapsed after the denial of your FOIA request, section 9.5(a) precludes this office from reviewing that denial.

If you have any questions, please contact me at the Springfield address on the first page of this letter. This letter serves to close this matter.

Very truly yours,

[REDACTED]
CHRISTOPHER R. BOGGS
Supervising Attorney
Public Access Bureau

59001 f 60 days pd